

Date Aug. 6, 2008

Mr. Don Ashton
Deputy Executive Officer
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Mr. Ashton:

Subject: C.U.P. R 2007 - 01829 - (5)

Use: C.U.P. for Ethanol Refinery

co. Blue Fire

Address 580 E. Ave "F"

Lancaster Zoned District

Related zoning matters:

Tract or Parcel Map No. _____

Change of Zone Case No. N/A

Other _____

This is a notice of appeal from the decision of the Regional Planning Commission on:
(Check One)

☐ The Denial of this request

☒ The Approval of this request

☐ The following conditions of the approval:

Briefly, the reason for this appeal is as follows:

I was denied my request for an "open Public Meeting" with a Paid-advertisement in the main news section of the Antelope Valley Press plus any other such as "Public Notices in the classifieds."
I also requested an E.I.R. on the project.

Enclosed is a check (or money order) in the total amount of \$ 775.00.
The amount of \$1,548.00 for applicants or \$775.00 for non-applicants is to cover the Regional Planning Department's processing fee.

R. Lyle Talbot
(Signed) Appellant

R. Lyle Talbot
Print Name

633 W. J-11 Ave.
Address

Lancaster, CA 93534

661 - 942-4209

Day Time Telephone Number



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon, FAICP
Director of Planning

July 24, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William Davis
35525 Crown Valley Road
Acton, CA 93510

Regarding: Project Number R2007-01829-(5)
Conditional Use Permit 200700137
580 East Avenue F, Lancaster

Dear Applicant:

The Regional Planning Commission, by its action of July 23, 2008, **APPROVED** the above described conditional use permit. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on August 6, 2008.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Adam Thurtell in the Zoning Permits Section I at (213) 974-6443.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning

Mark Child, Supervising Regional Planner
Zoning Permits I Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)
c: BOS; DPW (Building and Safety); Testifiers
MC:AT

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137**

REQUEST:

Conditional use permit to authorize an ethanol refinery.

REGIONAL PLANNING COMMISSION HEARING DATE: July 23, 2008

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed hearing was held before the Regional Planning Commission on July 23, 2008. Commissioners Bellamy, Valadez, and Rew were present. Commissioners Helsley and Modugno were absent. The applicant's representative, William Davis, gave testimony in favor of the project and answered questions posed by the Commission. Testimony in favor was given by Mike Mohajer, and testimony in opposition was given by R. Lyle Talbot and Nicole Parson. Opposition testimony raised concerns that this project would add toxic waste, the public hearing had not been held locally, and Integrated Waste Management had not been consulted.

Mr. Davis then gave rebuttal testimony that no toxic waste would be used or created by this project; the local public had been notified in no fewer than eight local public meetings, newspaper advertisements, and mailings; and Integrated Waste Management had been consulted extensively as part of the environmental process required by CEQA.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

Findings

1. The subject property is located at 580 East Avenue F in the Lancaster Zoned District.
2. This project requests a conditional use permit for an ethanol refinery. The refinery will produce ethanol through the conversion of 170 tons per day of cellulosic material in the form of source-separated solid waste from the neighboring landfill and other local sources.
3. This project is consistent with the stated goals and policies of the Los Angeles County General Plan including promoting more effective recycling and reuse of resources; promoting the development and use of new and improved waste

management technology; promoting a land use arrangement that will maximize energy conservation; supporting the conservation of energy and resources and encouraging the development of new energy sources; and creating jobs and increasing incomes for County residents.

4. This project is functionally, aesthetically and in relation to environmental impacts, similar to a brewery, which is a use allowed by permit in the M-1 zone. Pursuant to Section 22.32.090 of the County Code, premises in Zone D-2 will be subject to all the conditions and requirements of premises in Zone A-2 (22.24.120) and Zone M-1 (22.32.040).
5. This project will implement Conversion Technology Process, which is defined by the Department of Public Works as a mechanical, biological, chemical, or thermal process, other than incineration, capable of converting biomass and waste feedstock into useful products and chemicals, green fuels such as hydrogen, natural gas, ethanol and biodiesel, and clean, renewable energy such as electricity.
6. The project will be a Conversion Technology Facility, which is defined by the Department of Public Works as a facility utilizing one or more conversion technology processes to manage source-separated solid waste, or other waste feedstocks as approved by the County.
7. In order to maintain the benefits of Conversion Technology and not divert potential food supply to biofuel production, this project proposes to restrict, and must continue to restrict feedstock to cellulosic waste products.
8. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
9. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 20 years plus a 10 year Directors Review.
10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES:

That the proposed use is consistent with the adopted general plan for the area;

A. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;

B. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

C. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

REGIONAL PLANNING COMMISSION ACTION:

1. The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit is APPROVED subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring: Bellamy, Valadez, and Rew

Dissenting:

Abstaining:

Absent: Helsley and Modugno

Action Date: July 23, 2008

MC:at
July 24, 2008

This grant authorizes an ethanol refinery using 170 tons per day of cellulosic material in the form of source-separated solid waste from local sources subject to the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10 and Condition No. 19.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant will terminate on July 23, 2028.

Upon written application of the permittee made no less than six (6) months prior to July 23, 2028, the term of this grant may be extended by the Director for a period not to exceed ten (10) years, as provided herein below. The Director shall grant such extension unless it finds one of the following: (1) that the permittee has failed to adhere to the conditions of approval and such failure has not been timely corrected upon written notice thereof, and (2) that the use is not in compliance with all applicable laws and regulations. If either of the foregoing findings is made by the Director, the extension may be denied.

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

If the term of the grant is extended, additional monies sufficient to provide for additional biennial inspections shall be deposited with the County for the added term of the grant. The amount due for such inspections shall be the amount equal to the recovery cost at the time of payment. The inspections shall be unannounced.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the

permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$3,000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for twenty (20) annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
14. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
17. The boiler of the facility shall be equipped with a selective catalytic reduction system to comply with emission requirements.
18. All truck traffic associated with the shipping of ethanol, gypsum and chemical supplies will take place during non-peak traffic conditions, as identified by the County.
19. Light levels shall conform to those required by Cal/OSHA and all lights will be shielded to minimize stray light emissions from the site.
20. The permittee shall provide parking spaces equal in number to the maximum number of employees on site at any given shift plus the number of vehicles maintained on site as part of the operation. In addition, the permittee shall provide one handicap parking space per 40 spaces provided.
21. The permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility before the required or revised permit is obtained from the Department of Public Works. The activities covered include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this condition, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
22. The permittee shall comply with the requirements of the Drainage Concept/Standard Urban Stormwater Mitigation Plan (SUSMP)/Hydrology Study, which was conceptually approved on March 26, 2008, to the satisfaction of the Department of Public Works, unless the Department of Public Works determines that such plan is unnecessary.
23. The Los Angeles County Building Code, Section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing decomposable material must be protected against landfill gas intrusion. The

permittee must submit a methane gas mitigation plan to the Department of Public Works and obtain necessary permits, to include subsurface lateral migration of landfill gas, migration detection, and control and protection systems for affected enclosed buildings and structures.

24. The permittee is required to recycle or reuse 50 percent of the construction and demolition debris generated per the County's Construction and Demolition Debris Recycling and Reuse Ordinance. A Recycling and Reuse Plan must be submitted to and approved by the Department of Public Works before a construction, demolition, or grading permit may be issued.
25. The permittee shall provide to the Department of Public Works a detailed plan that specifies the quantities and characteristics of all products, by-products, and discharges (solid, liquid, and gas) generated by the project, as well as the intended final destinations for said materials.
26. To publicize the viability of the permittee's technology, the permittee shall coordinate with the Department of Public Works to share information to interested stakeholders, including conducting pre-arranged public tours.
27. The permittee must provide the following to Public Works – Mapping & Property Management Division:
 - a. Make an offer of future right of way 28 feet from centerline (easterly property line) on 5th Street East. Provide a nonexclusive easement over the future right of way for access purposes.
 - b. Provide a drainage statement/letter as part of the offer of future right of way.
 - c. Dedicate or offer to the County slope and drainage easements along 5th Street East, as applicable, to the satisfaction of Public Works. Site grading shall be compatible with the future street.
 - d. Provide a property line return radius of 13 feet at the intersection of Avenue F and 5th Street East plus additional right of way for corner cut-off to the satisfaction of Public Works.
28. Avenue F has been removed as a major highway from the County Highway Plan. However, Avenue F shall be retained as an industrial collector street with right of way commensurate with a secondary highway rural section (86-feet-wide) instead of the standard urban section (84-feet-wide). Excess right of way may be vacated by the applicant to the satisfaction of Public Works.

29. The permittee shall Construct improvement on Avenue F commensurate with the secondary highway rural section and submit detailed signing and striping plan to the satisfaction of Public Works.
30. The permittee must acquire street plan approval or direct check status from Public Works before obtaining grading permit.
31. Prior to issuance of building permits, the permittee must execute an Agreement to the satisfaction of Public Works, Land Development Division to improve for the street improvements.
32. All major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street, and (b) north on Division Street from Avenue G to project site.
33. Within 180 days of issuance of this Grant, the permittee must provide street lights on wood poles with overhead wiring along the property frontage on East Avenue F to the satisfaction of Public Works. Submit street lighting plans showing all existing lights as soon as possible to the Street Lighting Section, Traffic and Lighting Division.
34. No later than 90 days after the issuance of this Grant, the permittee must apply to the appropriate agency(s) to annex the proposed project or portions of the proposed project which are not within an existing Lighting District.
35. Upon approval of this Grant, the permittee shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$4,500.00. The applicant shall comply with the conditions listed below in order for the Lighting Districts to pay for the future operation and maintenance of the street lights.
 - a. Request Street Lighting Section to commence annexation and levy of assessment balloting proceedings.
 - b. Provide business/property owners name(s), mailing address(es), site address, Assessor Parcel Number(s) and parcel boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
 - c. Submit a map of the proposed project including any roadways conditioned for street lights to Public Works, Traffic & Lighting Division.

The Board of Supervisors must approve the annexation and levy of assessment prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of Certificate of Occupancy.

36. All street lights in the project, or approved project phase, shall be constructed according to Public Works-approved plans. The contractor shall submit one complete set of As-Built plans. Provided the above conditions are met, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year.
37. Prior to the operation of the facility, the Permittee shall contact the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force to insure compliance with requirements of the Los Angeles County Countywide Integrated Waste Management Plan, as applicable.
38. The waste materials to be accepted and/or processed at the facility shall be limited to source separated solid waste such as green materials and wood waste. Hazardous waste, liquid waste, medical waste, designated waste and radioactive waste as defined by State and Federal laws and/or regulations are prohibited.

MC:at

Regional Planning Commission Transmittal Checklist

Hearing Date

July 23, 2008

Agenda Item Number

6

Project Number: R2007-01829-(5)
Case(s): RCUP200700137
Contact Person: Adam Thurtell

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input type="checkbox"/>	<input type="checkbox"/>	

Reviewed By:

Mark Cunniff



Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012
Telephone (213) 974-6443
PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT 200700137

PUBLIC HEARING DATE
July 23, 2008

AGENDA ITEM

6

RPC CONSENT DATE

CONTINUE TO

APPLICANT

Bluefire Ethanol

OWNER

Linda S. Ruiz

REPRESENTATIVE

William Davis

ENTITLEMENT REQUEST

Construction, operation and maintenance of a bio-refinery that will convert 170 tons per day of cellulosic material from the neighboring landfill and other local sources to ethanol.

PROJECT DESCRIPTION

Ethanol will be produced via fermentation from a patented process. The raw material will be cellulose, which is to come from the Lancaster Landfill. The landfill will be powered in part by methane gas produced by the landfill.

LOCATION/ADDRESS

580 East Avenue F (assumed, currently vacant)

SITE DESCRIPTION

Flat, vacant land adjacent to Lancaster Landfill

ACCESS

East Avenue F and Fifth Street

ZONED DISTRICT

Lancaster

ASSESSORS PARCEL NUMBER

3175001016

COMMUNITY

Roosevelt

SIZE

10 Acres

COMMUNITY STANDARDS DISTRICT

N/A

EXISTING LAND USE

EXISTING ZONING

Project Site

Vacant

D-2-1

North

Vacant

D-2-1

East

Lancaster Landfill

D-2-1

South

Vacant

D-2-1

West

Vacant

D-2-1

GENERAL PLAN

R

DESIGNATION

Non-Urban

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Mitigated Negative Declaration

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE

RPC ACTION

NEEDED FOR NEXT MEETING

MEMBERS VOTING AYE

MEMBERS VOTING NO

MEMBERS ABSTAINING/ABSENT

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON:

RPC HEARING DATE(S)

RPC ACTION DATE

RPC RECOMMENDATION

MEMBERS VOTING AYE

MEMBERS VOTING NO

MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS*

(O)

(F)

PETITIONS

(O)

(F)

LETTERS

(O)

(F)

*(O) = Opponents (F) = In Favor

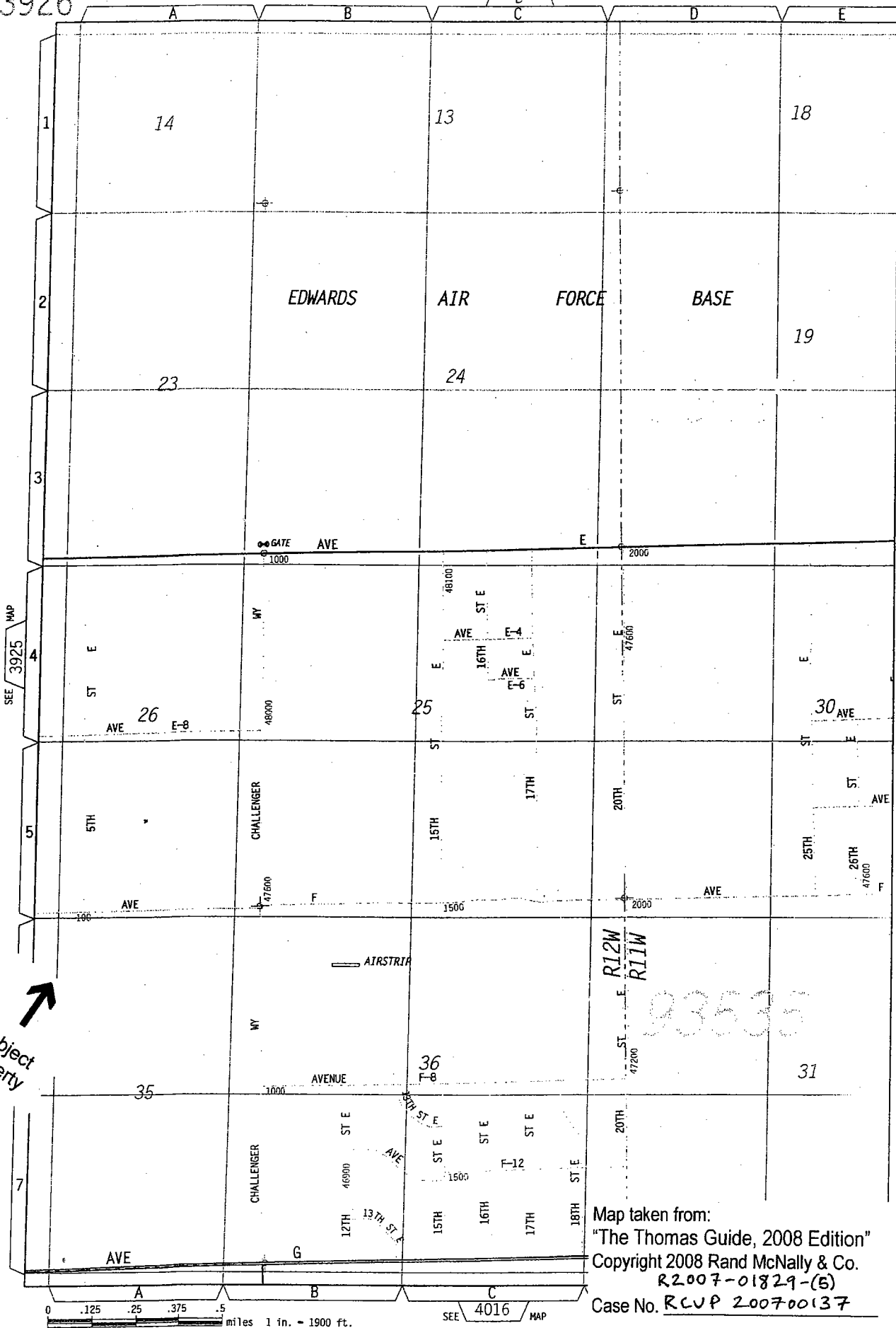
3926

SEE B MAP

© 2008 Rand McNally & Company

SEE 3925 MAP

Subject Property



Map taken from:
"The Thomas Guide, 2008 Edition"
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R2007-01829-(6)
Case No. RCVP 200700137

STAFF ANALYSIS
PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137

ENTITLEMENT REQUEST

Construction, operation and maintenance of an ethanol refinery located in the Desert Mountain (D-2) Zone.

PROJECT DESCRIPTION

The refinery will produce ethanol through the conversion of 170 tons per day of cellulosic material in the form of municipal solid waste local sources. The project will be located on a vacant, undisturbed lot adjacent to the County landfill operated by Waste Management Inc. The proposed biorefinery will accept the current volume of cellulosic waste material from curbside and commercial green and wood waste collection currently delivered to the landfill. The project will provide innovation in alternative fuels, assist in reducing the region's dependence on fossil fuels, and provide a fuel source with less greenhouse gas emissions than traditional fossil fuels.

LOCATION

580 East Avenue F (assumed, currently vacant), Lancaster Zoned District

SITE DESCRIPTION

The proposed project would be located on a 10-acre site on the south side of East Avenue F between Division Street and Challenger Way in the Antelope Valley. The surrounding land is vacant except for a landfill located on the adjacent property east of the project site. The project site is vacant, relatively flat and sparsely vegetated with undisturbed native high desert vegetation.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Mitigation Monitoring Program includes considerations for impacts from fire, flooding, and water quality. The Initial Study concludes that the project design and/or suggested conditions will adequately mitigate these impacts to a level of no significance.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PREVIOUS CASES/ZONING HISTORY

The site is vacant. The land surrounding the project site is vacant, with the exception of the Lancaster Landfill on the easterly adjacent parcel.

STAFF EVALUATION

General Plan Consistency

This project is consistent with the stated goals and policies of the Los Angeles County General Plan.

The nature of this project will promote more effective recycling and reuse of resources, and will promote the development and use of new and improved waste management technology (G-5, no. 20. and no. 26). The project will promote a land use arrangement that will maximize energy conservation (LU-7, no. 22). The project will also support the conservation of energy and resources and encourage the development of new energy sources (OS-9, no. 2). Finally, the project will create jobs and increase incomes for County residents. These benefits of the project are stated goals of the General Plan; the benefits of this project are not limited to those stated by the General Plan.

This project promotes the development of a Conversion Technology Process, defined by the Department of Public Works as a mechanical, biological, chemical, or thermal process, other than incineration, capable of converting biomass and waste feedstock into useful products and chemicals, green fuels such as hydrogen, natural gas, ethanol and biodiesel, and clean, renewable energy such as electricity. This process is distinct and advantageous compared to traditional production of ethanol from corn or other crops. In this case, cellulosic waste will be converted into fuel ethanol. The Lancaster landfill, directly adjacent to the proposed project site, accepts approximately 170 tons of cellulosic waste daily.

This project will also conserve energy, proposing to use methane gas, which is a natural byproduct of the landfill and detrimental to the environment, to partially power production processes. The Landfill Methane Outreach Program (LMOP), a program created by the Environmental Protection Agency, encourages the recovery and use of landfill gas as an energy resource.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.32.090 of the County Code, premises in Zone D-2 will be subject to all the conditions and requirements of premises in Zone A-2 (22.24.120) and Zone M-1 (22.32.040).

This project is functionally, aesthetically and in relation to environmental impacts, similar to a brewery, which is a use allowed by permit in the M-1 zone.

This is an innovative technology that will help reduce our dependence on fossil fuels. Because it is new technology, the Zoning Code does not provide standards to apply. In review of this project, staff determined that a brewery was the most similar use.

The facility would include feedstock boilers, water treatment, fermentation tanks, distilling tanks as well as other integral equipment. The facility generates byproducts of lignin cake, gypsum, animal feed, carbon dioxide, and bottom ash.

Outside Storage: All outside storage open to view from the exterior boundary of the lot or parcel of land shall be enclosed by a solid wall or fence Pursuant to Section 22.52.570.

The proposed project includes outside storage of feedstock and related material. All material will be fenced in compliance with Section 22.52.610.

Vehicle Storage and Parking: One space is required for each vehicle used directly for the use, in addition to not less than one parking space for each two persons employed or intended to be employed on the shift having the largest number of employees or each 500 square feet of floor area, whichever is larger, Pursuant to Section 22.52.1140

Thirteen parking spaces are provided on the site plan. The largest shift includes eighteen employees, requiring 9 parking spaces. Four parking spaces remain for dedication to vehicles associated with the use.

Signs: All signage must meet the requirements of Section 22.52 Part 10.

The applicant proposes a monument sign, which is allowed in the M-1 zone.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

In an attached letter dated May 21, 2008, the Fire Department cleared this project for public hearing.

The Department of Public Works EPD provided comments and recommended conditions that have been incorporated into the Draft Conditions.

PUBLIC COMMENTS

Staff has received one comment from a member of the public. The comment expressed opposition with no explanation on behalf of Theresa Bannister, owner of a parcel within the 1000 yard radius.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of project number R2007-01829-(5), conditional use permit number 200700137, subject to the attached conditions.

SUGGESTED APPROVAL MOTIONS

I move that the public hearing be closed and that the Regional Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring Program associated with conditional use permit number 200700137.

I move that the Regional Planning Commission approve Conditional Use Permit number 200700137 with findings & conditions.

Prepared by Adam Thurtell, Regional Planning Assistant II
Reviewed by Mark Child, Supervising Regional Planner, Zoning Permits I Section

Attachments:

Draft Conditions of Approval
Applicant's Burden of Proof statement
Environmental Document
Site Photographs
Site Plan
Land Use Map

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT NUMBER 200700137**

REQUEST:

Conditional use permit to authorize an ethanol refinery.

REGIONAL PLANNING COMMISSION HEARING DATE: July 23, 2008

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The subject property is located at 580 East Avenue F in the Lancaster Zoned District.
2. This project requests a conditional use permit for an ethanol refinery. The refinery will produce ethanol through the conversion of 170 tons per day of cellulosic material in the form of municipal solid waste from the neighboring landfill and other local sources.
3. This project is consistent with the stated goals and policies of the Los Angeles County General Plan including promoting more effective recycling and reuse of resources; promoting the development and use of new and improved waste management technology; promoting a land use arrangement that will maximize energy conservation; supporting the conservation of energy and resources and encouraging the development of new energy sources; and creating jobs and increasing incomes for County residents.
4. This project is functionally, aesthetically and in relation to environmental impacts similar to a brewery, which is a use allowed by permit in the M-1 zone. Pursuant to Section 22.32.090 of the County Code, premises in Zone D-2 will be subject to all the conditions and requirements of premises in Zone A-2 (22.24.120) and Zone M-1 (22.32.040).
5. This project will implement Conversion Technology Process, which is defined by the Department of Public Works as a mechanical, biological, chemical, or thermal process, other than incineration, capable of converting biomass and waste feedstock into useful products and chemicals, green fuels such as hydrogen, natural gas, ethanol and biodiesel, and clean, renewable energy such as electricity.

6. The project will be a Conversion Technology Facility, which is defined by the Department of Public Works as a facility utilizing one or more conversion technology processes to manage municipal solid waste, or other waste feedstocks as approved by the County.
7. In order to maintain the benefits of Conversion Technology and not divert potential food supply to biofuel production, this project proposes to restrict, and must continue to restrict feedstock to cellulosic waste products.
8. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
9. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 20 years plus a 10 year Directors Review.
10. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

That the proposed use is consistent with the adopted general plan for the area;

- A. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- B. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- C. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

REGIONAL PLANNING COMMISSION ACTION:

1. The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit is APPROVED subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MC:at
July 8, 2008

This grant authorizes an ethanol refinery using 170 tons per day of cellulosic material in the form of municipal solid waste from local sources subject to the following conditions of approval;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10 and Condition No. 19.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant will terminate on July 23, 2028.

Upon written application of the permittee made no less than six (6) months prior to July 23, 2028, the term of this grant may be extended by the Director for a period not to exceed ten (10) years, as provided herein below. The Director shall grant such extension unless it finds one of the following: (1) that the permittee has failed to adhere to the conditions of approval and such failure has not been timely corrected upon written notice thereof, and (2) that the use is not in compliance with all applicable laws and regulations. If either of the foregoing findings is made by the Director, the extension may be denied.

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

If the term of the grant is extended, additional monies sufficient to provide for additional biennial inspections shall be deposited with the County for the added term of the grant. The amount due for such inspections shall be the amount equal to the recovery cost at the time of payment. The inspections shall be unannounced.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the

permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$3,000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for twenty (20) annual inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the current recovery cost, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
14. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
17. The boiler of the facility shall be equipped with a selective catalytic reduction system to comply with emission requirements.
18. All truck traffic associated with the shipping of ethanol, gypsum and chemical supplies will take place during non-peak traffic conditions, as identified by the County.
19. Light levels shall conform to those required by Cal/OSHA and all lights will be shielded to minimize stray light emissions from the site.
20. The permittee shall provide parking spaces equal in number to the maximum number of employees on site at any given shift plus the number of vehicles maintained on site as part of the operation. In addition, the permittee shall provide one handicap parking space per 40 spaces provided.
21. The permittee shall be prohibited from initiating any activity for which an Industrial Waste Disposal Permit and/or Underground Storage Tanks Permit is required at the Facility before the required or revised permit is obtained from the Department of Public Works. The activities covered include, but are not limited to, the installation, modification, or removal of any underground storage tank and/or industrial waste control facility. For purposes of this condition, an industrial waste control facility includes its permanent structures for treating post-development storm water runoff.
22. The permittee shall comply with the requirements of the Drainage Concept/Standard Urban Stormwater Mitigation Plan (SUSMP)/Hydrology Study, which was conceptually approved on March 26, 2008, to the satisfaction of the Department of Public Works, unless the Department of Public Works determines that such plan is unnecessary.
23. The Los Angeles County Building Code, Section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing decomposable material must be protected against landfill gas intrusion. The

permittee must submit a methane gas mitigation plan to the Department of Public Works and obtain necessary permits, to include subsurface lateral migration of landfill gas, migration detection, and control and protection systems for affected enclosed buildings and structures.

24. The permittee is required to recycle or reuse 50 percent of the construction and demolition debris generated per the County's Construction and Demolition Debris Recycling and Reuse Ordinance. A Recycling and Reuse Plan must be submitted to and approved by the Department of Public Works before a construction, demolition, or grading permit may be issued.
25. The permittee shall provide to the Department of Public Works a detailed plan that specifies the quantities and characteristics of all products, by-products, and discharges (solid, liquid, and gas) generated by the project, as well as the intended final destinations for said materials.
26. To publicize the viability of the permittee's technology, the permittee shall coordinate with the Department of Public Works to share information to interested stakeholders, including conducting pre-arranged public tours.
27. The permittee must provide the following to Public Works – Mapping & Property Management Division:
 - a. Make an offer of future right of way 28 feet from centerline (easterly property line) on 5th Street East. Provide a nonexclusive easement over the future right of way for access purposes.
 - b. Provide a drainage statement/letter as part of the offer of future right of way.
 - c. Dedicate or offer to the County slope and drainage easements along 5th Street East, as applicable, to the satisfaction of Public Works. Site grading shall be compatible with the future street.
 - d. Provide a property line return radius of 13 feet at the intersection of Avenue F and 5th Street East plus additional right of way for corner cut-off to the satisfaction of Public Works.
28. Avenue F has been removed as a major highway from the County Highway Plan. However, Avenue F shall be retained as an industrial collector street with right of way commensurate with a secondary highway rural section (86-feet-wide) instead of the standard urban section (84-feet-wide). Excess right of way may be vacated by the applicant to the satisfaction of Public Works.

29. The permittee shall Construct improvement on Avenue F commensurate with the secondary highway rural section and submit detailed signing and striping plan to the satisfaction of Public Works.
30. The permittee must acquire street plan approval or direct check status from Public Works before obtaining grading permit.
31. Prior to issuance of building permits, the permittee must execute an Agreement to the satisfaction of Public Works, Land Development Division to improve for the street improvements.
32. All major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street, and (b) north on Division Street from Avenue G to project site.
33. Within 180 days of issuance of this Grant, the permittee must provide street lights on wood poles with overhead wiring along the property frontage on East Avenue F to the satisfaction of Public Works. Submit street lighting plans showing all existing lights as soon as possible to the Street Lighting Section, Traffic and Lighting Division.
34. No later than 90 days after the issuance of this Grant, the permittee must apply to the appropriate agency(s) to annex the proposed project or portions of the proposed project which are not within an existing Lighting District.
35. Upon approval of this Grant, the permittee shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$4,500.00. The applicant shall comply with the conditions listed below in order for the Lighting Districts to pay for the future operation and maintenance of the street lights.
 - a. Request Street Lighting Section to commence annexation and levy of assessment balloting proceedings.
 - b. Provide business/property owners name(s), mailing address(es), site address, Assessor Parcel Number(s) and parcel boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
 - c. Submit a map of the proposed project including any roadways conditioned for street lights to Public Works, Traffic & Lighting Division.

The Board of Supervisors must approve the annexation and levy of assessment prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of Certificate of Occupancy.

36. All street lights in the project, or approved project phase, shall be constructed according to Public Works-approved plans. The contractor shall submit one complete set of As-Built plans. Provided the above conditions are met, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year.

MC:at

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

PLEASE SEE ATTACHED DATA

- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

PLEASE SEE ATTACHED DATA

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required

PLEASE SEE ATTACHED DATA

Supplemental data/responses to "Burden of Proof" form

That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or Working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The applicant certifies that the proposed action WILL NOT cause an adverse effect to any of the three above items.

As regards 1. above, and as shown on the accompanying data titled "The Lancaster Ethanol Facility A Cellulose to Ethanol Biorefinery" care has been taken in the siting of this proposed facility. There are no (zero) persons residing in 1,000 feet of the surrounding area. The only use within that area is the adjoining landfill operated for the County by Waste Management. As described in the referenced document all environmental effects have been identified and they are either Less than significant with mitigation incorporated, less than significant or no impact at all. In the referenced document the process to be utilized is described as well as how safety and the well being of the workers at the proposed site as well as those at the landfill are protected

As regards 2. above no material or detrimental degradation to the current uses of the land, valuation of property in the sphere of influence of the site of the proposed action. The effects have been summarized in detail in the attached documentation.

As regards 3. above the facility incorporates all appropriate safety and operation parameters to assure that it does not constitute a menace to the public. To the contrary the proposed facility will have a beneficial effect upon the landfill extending its life expectancy and the products and by products (ethanol, gypsum and cattle feed amendments) will have a beneficial effect upon the environment. Principally the use of ethanol as a fuel or oxygenation agent will reduce the formation of greenhouse gasses by the replacement of carbon based fuel (gasoline) with ethanol

That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed site is adequate in its size and dimensions to accommodate all features required in Title 22. Refer to the site general arrangement drawing which shows compliance with setbacks to structures, roads etc. Parking and loading facilities are contained within the site dimensions and do not impose non site situations that would be a problem under Title 22. Site access is via Avenue F and entrances are placed in conformance with existing road right-of ways.

That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required

The site is currently served by feeder streets and secondary highways. The traffic generated by the facility remains within the service factors of the existing road and highway system, even considering the expanded use currently under review by the Department for increased traffic generated by the expansion of the adjacent landfill. No additional public or private facilities are required. Refer to pages 64 and 65 of the "The Lancaster Ethanol Facility A Cellulose to Ethanol Biorefinery" document provided with this submission

STAFF USE ONLY

PROJECT NUMBER: R2007-01829
CASES: RCUP200700137
RENV200700117



***** INITIAL STUDY *****

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING**

GENERAL INFORMATION

Map Date: June 7, 2007 Staff Member: Dean Edwards

Thomas Guide: 3926 A6 USGS Quad: Lancaster East

Location: 580 West Avenue F (assumed), Roosevelt

Description of Project: The proposed project consists of the construction, operation and maintenance of a bio-refinery that will convert 170 tons per day of cellulosic material (curbside green waste, post sorted green waste, non-marketable paper fractions and wood) from the neighboring landfill and other sources (i.e. municipal recycling facilities with chipping and grinding facilities) to ethanol. The operation will produce 7,600 to 11,675 gallons of fuel grade ethanol per day and two byproducts that will be transported offsite, gypsum and spent yeast. The plant will operate 24 hours a day, 330 days per year. A total of 18 employees will work three shifts with a maximum of five employees per shift. The project will generate 15,548 yearly vehicle trips for transporting feedstock, ethanol, byproducts, chemicals and employees.

The facility consists of a two acre evaporation basin; 1.4 acre biomass storage area; retention/detention basin; related processing equipment, storage tanks and small buildings; truck scale; single story maintenance and lab buildings; and a two-story administration building. Access to the subject property will be provided by East Avenue F and Fifth Street East. A feedstock access road will be located at the northeast corner of the project site.

Gross Acres: 10

Environmental Setting: The project site is located on the south side of East Avenue F between Division Street and Challenger Way in the Antelope Valley. The surrounding land is vacant except for a landfill located on the adjacent property east of the project site. The project site is vacant, relatively flat and vegetated with native vegetation.

Zoning: D-2-1 Desert Mountain

Community Standards District: None

Antelope Valley Area General Plan: Non-urban

Major projects in area:

PROJECT NUMBER

DESCRIPTION & STATUS

03-170/CUP03-170

Amendment to CUP 93070 to increase the allowable daily volume of municipal solid waste; Pending; Last action 8/1/2007

NOTE: For EIRs, above projects are not sufficient for cumulative analysis.

REVIEWING AGENCIES

Responsible Agencies

- | | |
|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Antelope Valley Air Quality Management District |
| <input checked="" type="checkbox"/> California Department of Toxic Substances Control | |
| <input checked="" type="checkbox"/> Lahontan Regional Water Quality Control Board | <input checked="" type="checkbox"/> California Integrated Waste Management Board |

Trustee Agencies

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> None | <input type="checkbox"/> State Parks |
| <input checked="" type="checkbox"/> State Fish and Game | <input type="checkbox"/> |

Special Reviewing Agencies

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> High School District |
| <input type="checkbox"/> National Parks | <input type="checkbox"/> Elementary School District |
| <input type="checkbox"/> National Forest | <input checked="" type="checkbox"/> Local Native American Tribal Council |
| <input checked="" type="checkbox"/> Edwards Air Force Base | <input checked="" type="checkbox"/> Town Council |
| <input type="checkbox"/> Santa Monica Mountains Conservancy | <input checked="" type="checkbox"/> Los Angeles County Sanitation Districts |
| <input type="checkbox"/> | |

Regional Significance

- | | |
|--|--|
| <input type="checkbox"/> None | <input type="checkbox"/> Water Resources |
| <input type="checkbox"/> SCAG Criteria | <input type="checkbox"/> Santa Monica Mountains Area |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> |

County Reviewing Agencies

- | | |
|---|--|
| <input checked="" type="checkbox"/> Fire Dept.: Forestry, Environmental Review Unit | <input checked="" type="checkbox"/> Fire Dept.: Hazardous Materials Division |
| <input checked="" type="checkbox"/> DPW: Environmental Programs Division | <input checked="" type="checkbox"/> Department of Health Services |
| <input checked="" type="checkbox"/> DPW: Traffic and Lighting Division | <input checked="" type="checkbox"/> DPW: Land Development Division |

IMPACT ANALYSIS MATRIX			ANALYSIS SUMMARY (See individual pages for details)			
CATEGORY	FACTOR	Pg	Less than Significant Impact/No Impact			Potential Concern
			Less than Significant Impact with Project Mitigation		Potentially Significant Impact	
HAZARDS	1. Geotechnical	5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2. Flood	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Flood zone</i>
	3. Fire	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Liquid flammable materials</i>
	4. Noise	8	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Stationary Equipment</i>
RESOURCES	1. Water Quality	9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2. Air Quality	10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	3. Biota	11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Sensitive & threatened species and habitat; avian foraging habitat</i>
	4. Cultural Resources	12	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5. Mineral Resources	13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	6. Agriculture Resources	14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	7. Visual Qualities	15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>80-90 foot stack</i>
SERVICES	1. Traffic/Access	16	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2. Sewage Disposal	17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	3. Education	18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	4. Fire/Sheriff	19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5. Utilities	20	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OTHER	1. General	21	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2. Environmental Safety	22	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Potentially explosive liquid flammable materials</i>
	3. Land Use	23	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	4. Pop/Hous./Emp./Rec.	24	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5. Mandatory Findings	25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Sensitive & threatened species habitat, avian foraging habitat, Joshua tree, fire, and explosion</i>

ENVIRONMENTAL FINDING

FINAL DETERMINATION: On the basis of this Initial Study, the Department of Regional Planning finds that this project qualifies for the following environmental document:

☐ NEGATIVE DECLARATION, inasmuch as the proposed project will not have a significant effect on the environment.

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was determined that this project will not exceed the established threshold criteria for any environmental/service factor and, as a result, will not have a significant effect on the physical environment.

☒ MITIGATED NEGATIVE DECLARATION, in as much as the changes required for the project will reduce impacts to insignificant levels (see attached discussion and/or conditions).

An Initial Study was prepared on this project in compliance with the State CEQA Guidelines and the environmental reporting procedures of the County of Los Angeles. It was originally determined that the proposed project may exceed established threshold criteria. The applicant has agreed to modification of the project so that it can now be determined that the project will not have a significant effect on the physical environment. The modification to mitigate this impact(s) is identified on the Project Changes/Conditions Form included as part of this Initial Study.

☐ ENVIRONMENTAL IMPACT REPORT*, inasmuch as there is substantial evidence that the project may have a significant impact due to factors listed above as "significant".

☐ At least one factor has been adequately analyzed in an earlier document pursuant to legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets (see attached Form DRP/IA 101). The Addendum EIR is required to analyze only the factors changed or not previously addressed.

Reviewed by: Dean Edwards Date: _____

Approved by: Mark Child Date: _____

☐ Determination appealed – see attached sheet.

*NOTE: Findings for Environmental Impact Reports will be prepared as a separate document following the public hearing on the project.

HAZARDS - 1. Geotechnical

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project located in an active or potentially active fault zone, Seismic Hazards Zone, or Alquist-Priolo Earthquake Fault Zone? <i>Source: The California Geological Survey.</i>
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area containing a major landslide(s)? <i>Source: The California Geological Survey.</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area having high slope instability? <i>Source: The California Geological Survey.</i>
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site subject to high subsidence, high groundwater level, liquefaction, or hydrocompaction? <i>Sources: General Plan Plate 3 & California Department of Conservation Division of Mines and Geology.</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the proposed project considered a sensitive use (school, hospital, public assembly site) located in close proximity to a significant geotechnical hazard?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project entail substantial grading and/or alteration of topography including slopes of over 25%? <i>11,500 cubic yards of fill is proposed.</i>
g.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project be located on expansive soil, as defined in Table 18-1-B of Uniform Building Code (1994), creating substantial risks to life or property?

STANDARD CODE REQUIREMENTS

☐ Building Code, Title 26 - Sections 110.2, 111 & 113
(Geotechnical Hazards, Engineering Geology and Soils Engineering Report, Earthquake Fault)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Approval of Geotechnical Report by DPW

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by, **geotechnical** factors?

☒ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

HAZARDS - 2. Flood

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the major drainage course, as identified on USGS quad sheets by a dashed line, located on the project site?
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site located within or does it contain a floodway, floodplain, or designated flood hazard zone? <i>The project site is located in Fema flood zone X500. Source: Federal Emergency Management Agency.</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in or subject to high mudflow conditions?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project contribute or be subject to high erosion and debris deposition from run-off?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Would the project substantially alter the existing drainage pattern of the site or area? <i>11,500 cubic yards of fill is proposed.</i>

STANDARD CODE REQUIREMENTS

- ☒ Building Code, Title 26 – Section 110.1 (Flood Hazard)
☒ Health and Safety Code, Title 11 – Chapter 11.60 (Floodways)

☐ MITIGATION MEASURES

☐ Lot Size ☐ Project Design

☒ OTHER CONSIDERATIONS

☒ Approval of Drainage Concept by DPW

DPW approved Drainage Concept/Hydrology Report and SUSMP required.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **flood (hydrological)** factors?

- ☒ Potentially significant
 ☒ Less than significant with project mitigation
 ☐ Less than significant/No Impact

HAZARDS - 3. Fire

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in a Very High Fire Hazard Severity Zone (Fire Zone 4)? <i>Source: Los Angeles County Fire Department.</i>
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site in a high fire hazard area and served by inadequate access due to lengths, width, surface materials, turnarounds or grade?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site have more than 75 dwelling units on a single access in a high fire hazard area?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site located in an area having inadequate water and pressure to meet fire flow standards? <i>A 200,000 gallon water tank for fire protection is proposed. Source Initial Study Questionnaire.</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project located in close proximity to potential dangerous fire hazard conditions/uses (such as refineries, flammables, explosives manufacturing)?
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the proposed use constitute a potentially dangerous fire hazard? <i>The liquid flammable materials: ethanol, gasoline and propane will be stored on site. Radiant heat from a fire fueled by ethanol leaked from the proposed 25,000 gallon tank would cause second degree burns to persons located within 268 feet of the secondary containment system. Source: Risk Assessment Report - pages 5&6.</i>
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other? <i>An accident involving the propane tank could produce a flammable gas cloud that could extend 800 feet downwind. Source: Risk Assessment Report - page 22.</i>

STANDARD CODE REQUIREMENTS

- ☒ Utilities Code, Title 20 – Section 20.16.060 (Fire Flow & Fire Hydrants Requirements)
☒ Fire Code, Title 32 – Sections 902.2.1 & 902.2.2.1 (Access & Dimensions)
☐ Fire Code, Title 32 – Sections 1117.2.1 (Fuel Modification Plan, Landscape Plan & Irrigation Plan)

☐ MITIGATION MEASURES

☒ Project Design

☐ OTHER CONSIDERATIONS

☐ Compatible Use

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be impacted by **fire hazard** factors?

- ☐ Potentially significant
 ☒ Less than significant with project mitigation
 ☐ Less than significant/No Impact

HAZARDS - 4. Noise

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located near a high noise source (airports, railroads, freeways, industry)?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the proposed use considered sensitive (school, hospital, senior citizen facility) or are there other sensitive uses in close proximity?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Could the project substantially increase ambient noise levels including those associated with special equipment (such as amplified sound systems) or parking areas associated with the project?</p> <p><i>No significant long-term off-site noise impacts from project-related vehicle noise would occur along the study area roadways segments. No significant stationary noise impact would be created through the on-going operations of the proposed facility. Source: Noise Impact Analysis – page 35. A letter dated January 19, 2008 from the Department of Public Health – Environmental Health states that noise generated from the proposed project would not significantly impact surrounding properties.</i></p>
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?</p> <p><i>Stationary construction equipment, such as diesel generators, which are not anticipated to be as loud as dozers may still exceed the night time noise standard of 50 dBA Leq at the nearest residence. Source: Noise Impact Analysis – page 35.</i></p>

STANDARD CODE REQUIREMENTS

- ☒ Environmental Protection Code, Title 12 – Chapter 12.08 (Noise Control)
- ☐ Building Code, Title 26 – Sections 1208A (Interior Environment – Noise)

☒ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Compatible Use

See page 26 for mitigations measures.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by **noise**?

☐ Potentially significant

☒ Less than significant with project mitigation

☐ Less than significant/No Impact

RESOURCES - 1. Water Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an area having known water quality problems and proposing the use of individual water wells? <i>A well is proposed for potable water.</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the proposed project require the use of a private sewage disposal system? <i>Source: email from Bill Davis 1/28/08.</i>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If the answer is yes, is the project site located in an area having known septic tank limitations due to high groundwater or other geotechnical limitations or is the project proposing on-site systems located in close proximity to a drainage course?
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project's associated construction activities significantly impact the quality of groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies? <i>Construction could cause erosion.</i>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Could the project's post-development activities potentially degrade the quality of storm water runoff and/or could post-development non-storm water discharges contribute potential pollutants to the storm water conveyance system and/or receiving bodies? <i>It is highly unlikely that contaminants could leach through the soil into ground water. The proposed facility is a "Zero Discharge Facility" employing a National Discharge Pollution Discharge System. Wastewater including site run-off drain via pipes or impervious surfaces into monitored and lined evaporation ponds constructed in compliance with SWRCB/CIWMB Regulations Division 2 Title 27. Post evaporation residuals are transported to an approved hazardous waste facility. Source: Phone conversation with Bill Davis February 6, 2008.</i>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will effluent be derived directly from the feedstock? <i>There is no effluent derived directly from the feedstock. Wastewater streams will be primarily cooling water and boiler blowdown and will be collected and provided to the land fill for dust suppression or discharged to an evaporation pond under Waste Discharge Requirements from the Regional Water Quality Control Board. Source: email from Bill Davis 1/28/08.</i>
f.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the proposed project negatively impact The Antelope Valley Comprehensive Flood Control and Water Conservation Plan or Flood Control and Water Facilities? <i>The closest Plan feature or facilities are wholly contained on the Waste Management Landfill Facility east of the project site. Source: Bluefire letter – March 27, 2008.</i>

STANDARD CODE REQUIREMENTS

- ☒ Health & Safety Code, Title 11 – Chapter 11.38 (Water & Sewers)
☒ Environmental Protection, Title 12 – Chapter 12.80 (Storm-water & Runoff Pollution Control)
☒ Plumbing Code, Title 28 – Chapter 7; Appendices G(a), J & K (Sewers & Septic Systems)

☐ MITIGATION MEASURES

☒ OTHER CONSIDERATIONS

- ☐ Lot Size ☒ Project Design ☐ Compatible Use ☒ Septic Feasibility Study
☐ Industrial Waste Permit ☒ National Pollutant Discharge Elimination System (NPDES) Permit

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by, **water quality** problems?

- ☐ Potentially significant ☒ Less than significant with project mitigation ☐ Less than significant/No Impact

RESOURCES - 2. Air Quality

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the proposed project exceed the State's criteria for regional significance (generally (a) 500 dwelling units for residential users or (b) 40 gross acres, 650,000 square feet of floor area or 1,000 employees for non-residential uses)?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the proposal considered a sensitive use (schools, hospitals, parks) and located near a freeway or heavy industrial use?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project increase local emissions to a significant extent due to increased traffic congestion or use of a parking structure or exceed AQMD thresholds of potential significance? <i>The levels of CO, NOx, ROG, Sox, PM10 and PM2.5 emissions from traffic generated by the proposed project are projected to be less than significant. Source: Revised Traffic Emissions Analysis - page 2.</i>
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will the project generate or is the site in close proximity to sources that create obnoxious odors, dust, and/or hazardous emissions? <i>Odors will be generated by feedstock storage and processing. Feedstock will putrify if stored for 72 or more hours. Source: Phone conversation with applicant February 5, 2008. The boiler will produce nitrous oxide. Particulate emissions will be produced from the drying operations. Source: Applicant submitted unnamed report - pages 12 & 13.</i>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project conflict with or obstruct implementation of the applicable air quality plan?
f.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?
g.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emission which would exceed quantitative thresholds for ozone precursors)?

STANDARD CODE REQUIREMENTS

☒ State of California Health and Safety Code - Section 40506 (Air Quality Management District Permit)

☒ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Project Design

☒ Air Quality Report

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, or be adversely impacted by, **air quality**?

☐ Potentially significant

☒ Less than significant with project mitigation

☐ Less than significant/No Impact

RESOURCES - 3. Biota

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Is the project site located within a Significant Ecological Area (SEA), SEA Buffer, or coastal Sensitive Environmental Resource (ESHA, etc.), or is the site relatively undisturbed and natural?</p> <p><i>The project site is not located in a SEA. It is relatively undisturbed and natural.</i></p> <p><i>Sources: General Plan.</i></p>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Will grading, fire clearance, or flood related improvements remove substantial natural habitat areas?</p> <p><i>Grading will remove natural habitat for various animals including native birds.</i></p>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Is a drainage course located on the project site that is depicted on USGS quad sheets by a dashed blue line or that may contain a bed, channel, or bank of any perennial, intermittent or ephemeral river, stream, or lake?</p>
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Does the project site contain a major riparian or other sensitive habitat (e.g. coastal sage scrub, oak woodland, sycamore riparian, woodland, wetland, etc.)?</p>
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Does the project site contain oak or other unique native trees (specify kinds of trees)?</p> <p><i>One live Joshua tree is located on the project site. Source: Biological Assessment - Appendix A, page 4.</i></p>
f.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Is the project site habitat for any known sensitive species (federal or state listed endangered, etc.)?</p> <p><i>The project site is potential habitat for the Mohave Ground Squirrel, Alkali Mariposa Lily and burrowing owl. Source: Fish and Game letter – January 9, 2008.</i></p>

☒ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Oak Tree Permit

☐ ERB/SEATAC Review

☐ Biological Constraints Analysis

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on, **biotic** resources?

☐ Potentially significant

☒ Less than significant with project mitigation

☐ Less than significant/No Impact

RESOURCES - 4. Archaeological/Historical/Paleontological

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) that indicate potential archaeological sensitivity?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site contain rock formations indicating potential paleontological resources?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the project site contain known historic structures or sites?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>Source: California Historical Resources Inventory.</i></p> <p>Would the project cause a substantial adverse change in the significance of a historical or archaeological resource as defined in 15064.5?</p> <p><i>"The pedestrian survey did not identify any prehistoric or historic, cultural or archaeological resources in the project area. Based on the negative results of the survey and lack of cultural resources in the literature search area, SWCA recommends that archaeological monitoring of the construction activities is not necessary." Source: Cultural Resources Survey – page 12.</i></p>
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☒ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Cultural Resources Records Search (Quick Check)

☒ Phase 1 Archaeology Report

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **archaeological, historical, or paleontological** resources?

☐ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

RESOURCES - 5. Mineral Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i>The project site is not located in a Mineral Recovery Zone. Source: General Plan Special Management Areas map.</i>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in the loss of availability of a locally important mineral resource discovery site delineated on a local general plan, specific plan or other land use plan? <i>The project site is not located in a Mineral Recovery Zone. Source: General Plan Special Management Areas map.</i>
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **mineral** resources?

☒ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

RESOURCES - 6. Agriculture Resources

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project involve other changes in the existing environment that due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
d.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ Lot Size

☐ OTHER CONSIDERATIONS

☐ Project Design

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **agriculture** resources?

☒ Potentially significant
 ☐ Less than significant with project mitigation
 ☒ Less than significant/No Impact

RESOURCES - 7. Visual Qualities

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site substantially visible from or will it obstruct views along a scenic highway (as shown on the Scenic Highway Element), or is it located within a scenic corridor or will it otherwise impact the viewshed?
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project substantially visible from or will it obstruct views from a regional riding or hiking trail?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project site located in an undeveloped or undisturbed area that contains unique aesthetic features?
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p><i>The project area is undeveloped except for the landfill adjacent to the project site.</i></p> <p>Is the proposed use out-of-character in comparison to adjacent uses because of height, bulk, or other features?</p> <p><i>The adjacent uses are vacant land and a landfill. The highest point of the facility is the stack which will be approximately 80-90 feet.</i></p>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the project likely to create substantial sun shadow, light or glare problems?
f.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Other factors (e.g., grading or landform alteration)?</p> <p><i>Visual simulation submitted. It is unlikely that the project will have a significant visual impact because the area is relatively undeveloped and sparsely populated.</i></p>

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☒ Visual Simulation

☐ Compatible Use

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on scenic qualities?

☐ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

SERVICES - 1. Traffic/Access

SETTING/IMPACTS

- | | Yes | No | Maybe | |
|----|--------------------------|-------------------------------------|--------------------------|---|
| a. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Does the project contain 25 dwelling units or more and is it located in an area with known congestion problems (roadway or intersections)?
<u>No residences are proposed.</u> |
| b. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the project result in any hazardous traffic conditions? |
| c. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the project result in parking problems with a subsequent impact on traffic conditions? |
| d. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will inadequate access during an emergency (other than fire hazards) result in problems for emergency vehicles or residents/employees in the area? |
| e. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the congestion management program (CMP) Transportation Impact Analysis thresholds of 50 peak hour vehicles added by project traffic to a CMP highway system intersection or 150 peak hour trips added by project traffic to a mainline freeway link be exceeded? |
| f. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Would the project conflict with adopted policies, plans, or program supporting alternative transportation (e.g., bus, turnouts, bicycle racks)? |
| g. | Not Applicable | | | How much traffic will the project generate?
<u>The proposed project is forecast to generate 234 average daily vehicle trips with 17 occurring at the AM and PM peak hours. Source DKS Associates letter – October 17, 2007.</u> |

☒ MITIGATION MEASURES

☐ Project Design ☐ Traffic Report

☐ OTHER CONSIDERATIONS

☒ Consultation with DPW Traffic & Lighting Division

See page 26 for mitigation measures.

CONCLUSION

Considering the above information, could the project leave a significant impact (individually or cumulatively) on **traffic/access** factors?

☐ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

SERVICES - 2. Sewage Disposal

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If served by a community sewage system, could the project create capacity problems at the treatment plant? <i>The proposed project will use a private septic system. Source: applicant submitted unnamed report – page 26.</i>
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems in the sewer lines serving the project site? <i>The proposed project will use a private septic system. Source: Unnamed applicant submitted unnamed report – page 26.</i>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

STANDARD CODE REQUIREMENTS

- ☒ Utilities Code, Title 20 – Division 2 (Sanitary Sewers and Industrial Waste)
- ☐ Plumbing Code, Title 28 – Chapter 7 (Sanitary Drainage)
- ☐ California Health Safety Code – Section 5474 (Sewer connection mitigation fee)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **sewage disposal** facilities?

☒ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

SERVICES - 3. Education

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems at the district level?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create capacity problems at individual schools that will serve the project site?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create student transportation problems?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create substantial library impacts due to increased population and demand?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

STANDARD CODE REQUIREMENTS

- ☐ State of California Government Code – Section 53080 (School Facilities Fee)
☐ Planning & Zoning Code, Title 22 - Chapter 22.72 (Library Facilities Mitigation Fee)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Site Dedication

No residences are proposed.

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **educational** facilities/services?

- ☒ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No Impact

SERVICES - 4. Fire/Sheriff Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create staffing or response time problems at the fire station or sheriff's substation serving the project site? <i>The project site is served by Fire Station 33 which is located 44947 Date Avenue in Lancaster and by the Lancaster Sherriff's station located at 501 W. Lancaster Blvd.</i>
b.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are there any special fire or law enforcement problems associated with the project or the general area?
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other factors? <i>A letter from the Fire Department dated March 28, 2008 states that there are adequate fire protection services in the area.</i>

STANDARD CODE REQUIREMENTS

☒ Revenue & Finance Code, Title 4 – Chapter 4.92 (Fire Protection Facilities Fee)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **fire/sheriff** services?

☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No Impact

SERVICES - 5. Utilities/Other Services

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the project site in an area known to have an inadequate public water supply to meet domestic needs or to have an inadequate ground water supply and proposes water wells? <i>A new well is proposed for potable water. Recycled water for processing will be provided by the City of Lancaster. User agreement required within 12 months of City of Lancaster letter dated April 10, 2008.</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the project site in an area known to have an inadequate water supply and/or pressure to meet fire fighting needs? <i>A 200,000 gallon water tank for fire protection is proposed. Source Initial Study Questionnaire.</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project create problems with providing utility services, such as electricity, gas, or propane?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are there any other known service problem areas (e.g., solid waste)?
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services or facilities (e.g., fire protection, police protection, schools, parks, roads)?
f.	Not	Applicable		What is the impact of the project on the Countywide solid waste management system? <i>The proposed project will divert 170 tons a day of cellulosic material the Lancaster Landfill and other LA County landfills, therefore extending the lifespan of the landfills.</i>
g.	Not	Applicable		How will ash be disposed? <i>Bottom ash will be sold to concrete product manufactures for use in air entrained, light weight aggregate products. In the event that material must be land filled an ultimate and proximate analysis has been done on the bottom ash. The ash meets all requirements for disposal of in any Class II landfill requirements of the State of California. The Lancaster landfill is a Class II and thus in the event that material must be land filled, the bottom ash can be disposed of in the Lancaster Landfill. The Kettleman Hill Hazardous Materials Facility is an alternative disposal site. Source: Bluefire letter- March 27, 2008.</i>

STANDARD CODE REQUIREMENTS

- ☐ Plumbing Code, Title 28 – Chapters 3, 6 & 12
- ☐ Utilities Code, Title 20 – Divisions 1, 4 & 4a (Water, Solid Waste, Garbage Disposal Districts)

☒ MITIGATION MEASURES

See page 26 for mitigation measures.

☒ OTHER CONSIDERATIONS

- ☐ Lot Size ☐ Project Design ☒ Water Purveyor Will-serve Letter

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) relative to **utilities** services?

- ☐ Potentially significant ☐ Less than significant with project mitigation ☒ Less than significant/No Impact

OTHER FACTORS - 1. General

SETTING/IMPAIRMENTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in an inefficient use of energy resources?
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will the project result in a major change in the patterns, scale, or character of the general area or community? <i>The proposed refinery can be considered an auxiliary use to the adjacent landfill because the refinery will use materials currently transported to the landfill for feedstock.</i>
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will the project result in a significant reduction in the amount of agricultural land?

STANDARD CODE REQUIREMENTS

☐ California State Administrative Code, Title 24, Part 5, T-20 (Energy Conservation)

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

☐ Lot Size

☐ Project Design

☐ Compatible Use

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to any of the above factors?

☒ Potentially significant

☐ Less than significant with project mitigation

☒ Less than significant/No Impact

OTHER FACTORS - 2. Environmental Safety

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any hazardous materials used, transported, produced, handled, or stored on-site? <i>Aqueous ammonia, urea, hydrochloric acid, sulfuric acid, phosphoric acid, caustic, denaturant, lime, gypsum, ethanol, carbon dioxide, lignin, diesel fuel, cooling tower chemicals, boiler feedwater chemicals and fermentation nutrients. Source: Initial Study Questionnaire.</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are any pressurized tanks to be used or any hazardous wastes stored on-site? <i>Nine pressurized tanks are proposed for the project. They will be used in association with the steam system.</i>
c.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are any residential units, schools, or hospitals located within 500 feet and potentially adversely affected?
d.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Have there been previous uses that indicate residual soil toxicity of the site or is the site located within two miles downstream of a known groundwater contamination source within the same watershed? <i>The site has not been developed.</i>
e.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project create a significant hazard to the public or the environment involving the accidental release of hazardous materials into the environment? <i>None of the hazardous materials to be stored at the facility present a toxic hazard to the surrounding area. Source: Risk Assessment Report – page 5.</i>
f.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>None of the hazardous materials to be stored at the facility present a toxic hazard to the surrounding area. Source: Risk Assessment Report – page 5.</i>
g.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment? <i>The project site is not listed in the Department of Toxic Substances Control EnviroStor Database.</i>
h.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project result in a safety hazard for people in a project area located within an airport land use plan, within two miles of a public or public use airport, or within the vicinity of a private airstrip?
i.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
j.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Toxic Hazard <i>None of the hazardous materials to be stored at the facility present a toxic hazard to the surrounding area. Source: Risk Assessment Report – page 5. Test sampling determined that bottom ash does not contain hazardous constituents. Source: Bluefire's response to DHS comments – March 20, 2008.</i>
k.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explosion Hazard <i>Liquid flammable materials improperly stored on site will have the potential to explode.</i>
l.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will gas from the landfill intrude on buildings located within 1000 feet of the landfill? <i>Project buildings will be located within 1000 feet of the neighboring landfill property boundary.</i>

☒ MITIGATION MEASURES

☒ Phase 1 Environmental Assessment

The Phase 1 Environmental Assessment concluded that there is no evidence of recognized environmental conditions in connection with the subject property. See page 26 for mitigation measures.

☐ OTHER CONSIDERATIONS

☐ Toxic Clean-up Plan

CONCLUSION

Considering the above information, could the project have a significant impact relative to **public safety**?

☐ Potentially significant

☒ Less than significant with project mitigation

☐ Less than significant/No Impact

OTHER FACTORS - 3. Land Use

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Can the project be found to be inconsistent with the plan designation(s) of the subject property? <i>The Antelope Valley Area General Plan land use designation for the project site is Non-Urban. The proposed use is suitable for a rural location.</i>
b.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Can the project be found to be inconsistent with the zoning designation of the subject property? <i>The project site is zoned Desert Mountain. Ethanol Refinery is not a use identified in the Zoning Code for any zone although the use is appropriate for the Desert Mountain zone which accommodates similar industrial uses.</i>
c.				Can the project be found to be inconsistent with the following applicable land use criteria: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Hillside Management Criteria? <input checked="" type="checkbox"/> SEA Conformance Criteria? <input type="checkbox"/> Other? </div>
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project physically divide an established community?
e.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **land use** factors?

☒ Potentially significant
 ☐ Less than significant with project mitigation
 ☒ Less than significant/No Impact

OTHER FACTORS - 4. Population/Housing/Employment/Recreation

SETTING/IMPACTS

	Yes	No	Maybe	
a.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project cumulatively exceed official regional or local population projections?
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project induce substantial direct or indirect growth in an area (e.g., through projects in an undeveloped area or extension of major infrastructure)?
c.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project displace existing housing, especially affordable housing?
d.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>The project site is vacant.</i> Could the project result in substantial job/housing imbalance or substantial increase in Vehicle Miles Traveled (VMT)?
e.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Could the project require new or expanded recreational facilities for future residents?
f.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? <i>The project site is vacant.</i>
g.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other factors?

☐ MITIGATION MEASURES

☐ OTHER CONSIDERATIONS

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the physical environment due to **population, housing, employment, or recreational** factors?

☒ Potentially significant
 ☐ Less than significant with project mitigation
 ☒ Less than significant/No Impact

MANDATORY FINDINGS OF SIGNIFICANCE

Based on this Initial Study, the following findings are made:

	Yes	No	Maybe	
a.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</p> <p><u><i>Sensitive & threatened species habitat, avian foraging habitat and Joshua tree</i></u></p>
b.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Does the project have possible environmental effects that are individually limited but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.</p>
c.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Will the environmental effects of the project cause substantial adverse effects on human beings, either directly or indirectly?</p> <p><u><i>Fire and explosion fueled by liquid flammable materials</i></u></p>

CONCLUSION

Considering the above information, could the project have a significant impact (individually or cumulatively) on the environment?

☒ Potentially significant
 ☒ Less than significant with project mitigation
 ☐ Less than significant/No Impact

MITIGATION MEASURES

Traffic

1. All major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for the adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street and (b) north on Division Street from Avenue G to project site.

Fire

1. Ethanol and denaturant storage tanks shall be protected by a foam-based fire protection system.
2. A foam mixing station shall be located within 100 feet of the ethanol and denaturant storage tanks and piped to foam chambers located close to the top of the tanks.
3. Firewater shall be stored in the fire/potable water storage tank using a potable water standpipe in the tank to assure a minimum amount of firewater storage.
4. A firewater loop shall be provided with sub-headers to hydrants, fire hose cabinets and other fire protection equipment.
5. Three fire hydrants with monitors shall be installed in the ethanol storage area.
6. Underground piping shall be HDPE and above ground welded carbon steel.
7. The propane tank shall be located in the evaporation pond.
8. An open head deluge fire protection system shall be installed in the distillation area.
9. A dry pipe fire protection system shall be installed in the fermentation alley in the utility buildings.
10. A wet pipe fire protection system shall be installed in the fire pump building.
11. Smoke detectors shall be installed in the plant electrical buildings.
12. The applicant shall comply with all mitigation measures and conditions identified in the Fire Department's letter dated March 28, 2008.

Noise

1. Construction operations that generate stationary noise impacts shall cease between 8:00 p.m. and 7:00 a.m. and all day Sunday and legal holidays.

Water Quality

1. The applicant shall submit a Storm Water Quality Plan to the Department of Public Works (DPW) for review and approval prior to issuance of grading permits and comply with NPDES requirement of the Regional Water Quality Control Board (RWQCB) and the DPW.
2. Prior to construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or storm water treatment facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.
3. Prior to development and redevelopment projects which fall into one of the Urban Stormwater Mitigation Plans (SUSMP) project types, characteristics, activities, applicant must contact Public Works' Environmental Programs Division for required approvals and obtain SUSMP approval by the appropriate agency.
4. Prior to construction, the applicant shall submit copies of completed applications submitted to the Regional Water Quality Board for all necessary permits.

5. Prior to operation of the facility, the applicant shall submit copies of all necessary Regional Water Quality Board permits.
6. Applicant shall comply with all mitigation measures and conditions identified in the Department of Public Health – Environmental Health letter dated May 15, 2008.

Air Quality

1. Feedstock with a moisture level greater than 10% shall be dried through a biomass drier to reduce odor within eight hours of delivery to subject property.
2. Dust collectors shall be installed over grinders, dryers and pneumatic conveyors to reduce odor.
3. Gypsum shall be removed daily to reduce odor.
4. Fermentation vents shall be treated with vent condensers and carbon filters to reduce odor.
5. Prior to issuance building permit, applicant shall submit copies of approved Air Quality Management District permits.

Biota

1. The replacement of the existing live Joshua trees shall be mitigated at a minimum 3:1 ratio. All replacement trees shall be properly cared for and maintained for a period of seven (7) years and replaced by the applicant, permittee or property owner if mortality or disease occurs within that period.
2. 30 days prior to ground or vegetation disturbance activities applicant shall have a qualified biologist conduct a survey for borrowing owls and submit a report to the Department of Regional Planning. If additional site disturbances take place greater than 30 days after the initial disturbance to the site, an additional burrowing owl survey shall take place prior to the actual start of construction. If evidence of burrowing owls is discovered, ground or vegetation disturbance activities shall not commence without written approval from the Department of Regional Planning.
3. During initial ground disturbing activities, a biological monitor shall be present to ensure that no special status reptiles, plants or other species are destroyed.
4. Prior to ground disturbing activities, a barrier such as a silt fence shall be placed around the work area to prevent wildlife from entering the site and being destroyed by construction activities. This fence shall be maintained and repaired immediately if damaged.
5. Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a biological monitor acceptable to the Director of Planning surveys the project area prior to disturbance to confirm that disturbance to habitat will not result in the failure of nests on-site or immediately adjacent to the area of disturbance. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat, any action that may cause disruption of nesting behavior such as noise exceeding 90dB from equipment, or direct artificial night lighting. Surveys shall be conducted on the subject property within 300 feet of disturbance areas (500 feet for raptors) no earlier than seven (7) days prior to the commencement of disturbance. If an active nest is discovered on-site or can be reasonably deduced to exist immediately adjacent off-site (in cases where access to adjacent properties is prevented), the project biologist shall demarcate an area to be avoided by construction activity until the active nest(s) is vacated for the season and there is no evidence of further nesting attempts. This demarcated area will incorporate a buffer area surrounding the active nest that is suitable in size and habitat type to provide a reasonable expectation of breeding success for nesting birds. Limits of avoidance shall be demarcated with flagging or fencing. The project proponent shall record the results of the surveys and recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with

applicable State and Federal laws pertaining to the protection of native birds.

6. Prior to ground disturbing activities, applicant shall submit proof to the Department of Regional Planning that it has acquired 20 acres of Antelope Valley avian foraging habitat, that a qualified biologist has determined to be of equal or greater value to the project site, and has protected the land in perpetuity by deed restrictions, covenants or other means approved by the Department of Regional Planning.
7. Prior to ground disturbing activities, botanical survey shall be conducted following the California Native Plant Society's Botanical Survey Guidelines. If Alkali Mariposa Lilies are detected on the project site, impacts should be avoided. If impacts can not be avoided, applicant shall submit proof to the Department of Regional Planning that it has acquired 20 acres of Antelope Valley Alkali Mariposa Lily habitat, that a qualified biologist has determined to be of equal or greater value to the project site, and has protected the land in perpetuity by deed restrictions, covenants or other means approved by the Department of Regional Planning.
8. Prior to ground disturbing activities, applicant shall submit proof to the Department of Regional Planning that it has consulted with the California Department of Fish and Game (CDFG) regarding potential impacts of the project to the Mohave Ground Squirrel. Applicant may either conduct focused surveys for this species per CDFG's approved methods (January 2003 Guidelines with minor format changes in June 2004) or assume the species' presence. The 20 acres of land to be acquired for Biota Mitigation Measure 6 and/or that to be potentially acquired for Biota Mitigation Measure 7 may be adequate to mitigate the project's potential impacts to the Mohave Ground Squirrel, but this determination would have to be made by CDFG during the required consultation.

Archaeological/Historical/Paleontological

1. Work in the area shall be temporarily halted or redirected and a qualified archaeologist notified to evaluate cultural finds if previously unrecorded archaeological materials are identified during construction grading.

Utilities/Other Services

1. Prior to issuance of a building permit, applicant shall submit a Findings of Conformance from the Los Angeles County Integrated Waste Management Task Force.

General

1. Prior to issuance of building permit applicant shall submit a recycling plan approved by the Environmental Hygiene Section of the Department of Health to the Department of Regional Planning
2. Site plans and floor plans shall clearly depict recyclables transfer and storage areas.
3. Prior to processing, a magnetic separator shall be used to remove metals from the feedstock material.
4. Prior to processing, polyethylene containments shall be removed from the feedstock material.
5. The perimeter of the facility shall be fenced to catch windblown litter.
6. Portable windscreens shall be placed around feedstock storage piles to prevent windblown litter.
7. Feedstock piles shall be tarped to prevent windblown litter.

Environmental Safety

1. All hazardous liquid chemical storage and loading/unloading areas shall be surrounded by monitored curbs or dikes to contain leaks or spills.
2. Separate containment areas shall be provided for acids, fuels, and bases.
3. Safety showers and eyewash stations shall be installed in all chemical areas.
4. Factory mutual standards hose connections shall be installed near chemical storage areas to flush spills and leaks to the neutralization facility.

5. Neutralized spills or leaks shall be collected for waste disposal in an approved facility.
6. Vapor releases shall be routed to recovery systems.
7. Prior to issuance of building permit, applicant must receive DPW approval of building plans that depict the installation of membranes under the pads of enclosed buildings to block gas migration from the adjacent landfill. Prior to operation, the facility shall be inspected and evaluated by the Fire Department Health and Hazardous Materials Division for proper storage and handling of hazardous materials.
8. Prior to operation, the applicant shall obtain all necessary permits from Fire Department Health and Hazardous Materials Division.
9. Ash material shall be tested at least quarterly for Total Toxicity Limit Concentrations, Soluble Toxicity Limit Concentrations, Toxicity Characteristic Leaching Procedure and Pollutant Characterization to ensure that it does not contain hazardous materials.



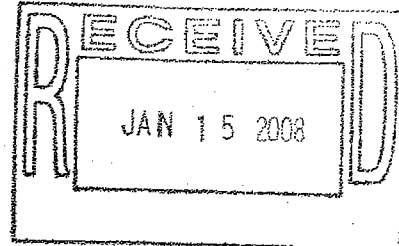
DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201



January 9, 2008

Mr. Bruce W. McClendon
Director of Planning
County of Los Angeles Planning Department
320 W. Temple Street
Los Angeles, CA 90012



**Notice of Consultation
Project 2007-01829
Los Angeles County**

Dear Mr. McClendon:

The Department of Fish and Game (Department) has reviewed the draft Initial Study (IS), Biological Resources Assessment (BRA) and Draft Mitigated Negative Declaration (DMND) for the construction, operation, and maintenance of a bio-refinery that will produce ethanol. The project is located on the south side of East Avenue F between Division Street and Challenger Way in the Antelope Valley. The 10-acre site is surrounded by vacant land supporting native desert vegetation to the north, west and south, and a landfill to the east.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386) and pursuant to our authority as a Responsible Agency under the California Environmental Quality Act CEQA Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq) and Fish and Game Code Section 1600 et seq.:

Impacts to Sensitive Biological and Botanical Resources

1. Mohave ground squirrel – Since suitable habitat exists for the State Threatened Mohave ground squirrel, it is recommended the applicant consult with the Department as to any appropriate surveys and potential mitigation measures regarding Mohave ground squirrel. If MGS presence is assumed or if MGS is trapped or observed on or near the site, the project proponent shall apply for an Incidental Take Permit from the Department. Additional avoidance, minimization, and mitigation requirements may be conditioned within the Incidental Take Permit.
2. Native Birds - The DMND states that a native bird survey shall be conducted by a qualified biologist 7 days prior to grading/vegetation removal if this activity occurs during the nesting season.
 - a. The Department recommends that proposed project activities (including disturbances to native and non-native vegetation and man-made nesting substrates) take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors). This

restriction will help to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

- b. If project activities cannot be scheduled to avoid the breeding bird season, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 200 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities in suitable nesting habitat or within 200 feet of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 200 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and federal laws pertaining to the protection of native birds.
4. Joshua Tree Woodland/Native Desert Vegetation - The BRA states that the project site supports 2 Joshua trees, 1 of which appeared suitable for transplanting. The IS states that as mitigation for loss of Joshua trees on the site, the project applicant shall mitigate the loss of Joshua trees at a 3:1 ratio.
 - a. The continual loss of Joshua tree woodland is a concern to the Department as these communities support a high biological diversity.
 - b. The Department considers Joshua tree woodlands as a threatened vegetative community.
 - c. The loss of Joshua tree woodlands as the result of the proposed project should be recognized by the lead agency as a local/regional cumulative significant impact under CEQA unless mitigated below a significant level.
 - d. The Department recommends that Joshua trees be avoided and preserved. If avoidance is not feasible efforts should be made to acquire and protect specifically identified habitat of equal or superior value and/or acquire and protect areas to be restored which will result in fully functional Joshua tree woodland habitat. Mitigation lands should be located within designated large habitat blocks of Joshua tree woodland, to maintain the biological integrity of these areas. All mitigation for loss of native desert vegetative communities should include a mitigation monitoring and reporting plan to assure that the mitigation is successfully carried out, and is preserved in perpetuity.

5. Avian Foraging Habitat - The Antelope Valley is located within an important wintering foraging area for sensitive bird species including birds or prey.

The incremental cumulative loss of wintering habitat for bird species, including Species of Special Concern, in the Antelope Valley as the result of agricultural and urban development is of concern to the Department. The Department recommends that the lead agency require a 2 /1 mitigation ratio as a project approval condition for the permanent loss of 10 acres of avian foraging habitat. Mitigation could be accomplished by offsite acquisition and preservation of habitat of equal or greater value.

6. Alkali Mariposa Lily - Because the site supports habitat for the Alkali mariposa Lily (AML), a 1B listed plant and considered Rare by the Department, the Department recommends that botanical surveys be conducted following the California Native Plant Society's Botanical Survey Guidelines, Dated June 2, 2001. If AML are detected on the project site, impacts to the AML should be avoided. If impacts to AML cannot be avoided, appropriate mitigation measures should include off site habitat acquisition of habitat supporting AML. Mitigation lands should be preserved and managed in perpetuity. The mitigation ratio should be at least 2:1 and the proposed specific mitigation location should be identified in a MND. It should be the responsibility of the applicant to identify; acquire; and provide for management; any mitigation lands proposed to mitigate for unavoidable project impacts prior to City approval of the project. Cumulative loss of AML habitat should also be analyzed in this document.

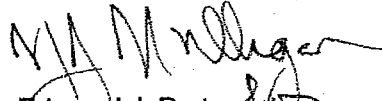
7. Burrowing Owl - The BRA was conducted in May of 2007 and a copy was submitted to the Department. The initial study states that no burrowing owls (BUOW) were observed on the site. The site does contain habitat that supports BUOW, including flat areas with low vegetation, ground squirrel and rabbit burrows, road cut berms suitable for nesting, as well as the property is suitable to provide winter burrowing habitat.
- a. The Department concurs that a preconstruction survey should be conducted for BUOW on site as stated in the IS. The MND does not discuss what measures will be taken to avoid take of BUOWs during site disturbance if they are found to occupy the site. Performing a site survey alone should not be considered as a mitigation measure. Mitigation measures to avoid take of BUOWs are recommended below.
 - b. BUOWs may become established on site once the vegetation has been removed and/or the site has been graded (an activity that may actually enhance the site for BUOW's), If additional construction (site disturbances) takes place greater than 30 days after the initial disturbances to the site, an additional burrowing owl survey should take place prior to the actual start of construction.

The Department recommends that the above concerns be addressed prior to lead agency approval of the proposed project.

Mr. Bruce W. McClendon
January 9, 2008
Page 4

Thank you for this opportunity to provide consultation for this proposed project. Questions regarding this letter and further coordination on these issues should be directed to Ms. Kelly Schmoker, Staff Environmental Scientist, at (626) 335-4369.

Sincerely,


Edmund J. Pert
Regional Manager

cc: Mr. Michael Mulligan, San Diego
Ms. Terri Dickerson, Laguna Niguel
Mr. Scott Harris, Pasadena
HabCon-Chron, Department of Fish and Game

EP:ks



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE REFER TO FILE: **EP-2**

January 17, 2008

TO: Mark Child
Department of Regional Planning

Attention Adam Thurtell

FROM: Carlos Ruiz *CR*
Environmental Programs Division

**REVIEW OF INITIAL STUDY
BLUEFIRE ETHANOL BIOREFINERY PLANT
PROJECT ID R2007-01829**

We reviewed the above-mentioned Initial Study. The project proposes to accept up to 170 tons per day of cellulosic material, mainly green waste and wood waste and convert it into ethanol. The project is located on the south side of East Avenue F between Division Street and Challenger Way, across the street from Lancaster Landfill in the County unincorporated areas. We offer the following comments:

Solid Waste Management:

1. The Los Angeles County Countywide Siting Element, which was approved in late 1997 by a majority of the cities in the County of Los Angeles with a majority of the cities' population and by the County Board of Supervisors in January 1998, projected that a shortfall in permitted daily landfill capacity maybe experienced in the County within a few years. A number of landfill closures have been experienced in recent years and more closures are expected to occur in the near future. The Siting Element recognizes the need for in-County alternatives to land disposal and includes a policy to support development alternative waste disposal technologies, as long as it is determined to be environmentally and technically feasible.
2. The document should provide a discussion on the impact the development of the facility will have on the Countywide solid waste management system.

3. The proposed project may require a Finding of Conformance from the Los Angeles County Integrated Waste Management Task Force. This is in accordance with the Los Angeles County Countywide Integrated Waste Management Plan, which was approved by the California Integrated Waste Management Board on June 23, 1999. The Siting Element, which is an element of the Los Angeles County Countywide Integrated Waste Management Plan, requires that all new transformation facilities (which currently includes conversion technology facilities) to be consistent with its goals, policies, and siting criteria. Therefore, the document will need to include a discussion on how it meets the requirements of the Siting Element, if necessary.
4. The document should state clearly how many gallons of ethanol will be generated from 170 tons of feedstock on a daily basis.
5. The document indicates that the incoming feedstock will be temporarily stored outdoors. Due to high wind conditions in this area, the document should provide a discussion on litter prevention measures to protect the surrounding neighborhood and roadways.
6. The document should include an expanded and detailed discussion on the feedstock effluent collected, how the effluent will be ultimately managed, and whether or not a treatment system will be needed.
7. The document indicates that the incoming feedstock will be temporarily stored outdoors. Due to the high wind conditions in this area and the propensity for green waste and wood waste to generate significant odors, the document should include an expanded and detailed discussion on odor prevention measures to mitigate this impact.
8. The Los Angeles County Building Code, Section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing decomposable material must be protected against landfill gas intrusion. The project site appears to be located on or within 1,000 feet of the Lancaster Landfill. This issue should be addressed and mitigation measures provided. The discussion should include subsurface lateral migration of landfill gas, migration detection, and control and protection systems for affected enclosed buildings and structures. Public Works' Environmental Programs Division must be contacted for issuance of necessary permits. The California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires each "development project" to provide an adequate storage area for collection and removal of recyclable materials

generated by facility employees. The environmental document should include/discuss standards to provide adequate recyclable storage areas for collection/storage of recyclable materials for this project.

9. Should any operation within the subject project include the construction, installation, modification, or removal of underground storage tanks, industrial waste treatment or disposal facilities, and/or stormwater treatment facilities, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.
10. The document indicates that ash will be disposed in the adjacent landfill (i.e., Lancaster Landfill). The document should include a discussion on whether the adjacent landfill can accept the ash and, if so, under what conditions. If the landfill cannot accept the ash, the document should include a discussion on alternative means of properly disposing of this material.
11. All development and redevelopment projects which fall into one of the Standard Urban Stormwater Mitigation Plans (SUSMP) project types, characteristics, or activities, must obtain SUSMP approval by the appropriate agency. Please contact Public Works' Environmental Programs Division for required approvals.
12. In developing the draft Conditional Use Permit conditions for the proposed project, we respectfully request Regional Planning consult with Public Works, specifically, Environmental Programs Division, to ensure consistency with the countywide solid waste management system.
13. To aid the general public and regulatory agencies in understanding the operational characteristics of such a biorefinery facility, the document should include a discussion on any reference facilities operating elsewhere.
14. Resources Section 7-Visual Qualities, Impact f. The document states: "The nearest residence is located approximately 0.75 miles south of the project site." However, the document on page 4 of 10 of the Initial Study Questionnaire states that "nearest residence is over 1,000 feet distant from the facility", and on page 8 of 10 of the same Questionnaire it states that "there are a few (4) residential uses within a 1,500-foot radius for the proposed action." This inconsistency needs to be checked and corrected.

Traffic and Transportation

1. The project is forecast to generate approximately 234 daily vehicles including 17 passenger car equivalent vehicles during each of the a.m. and p.m. peak hours. We generally agree with the findings of the Traffic Analysis Report dated October 17, 2007, that a traffic study is not required at this time. However, all major truck traffic destined for the project site, excluding passenger cars and light trucks, shall be directed to use a specific route to access the site. This route shall be consistent with the route required of truck traffic destined for the adjacent Lancaster Landfill, which is as follows: (a) Avenue G from SR-14 on/off ramps to Division Street and (b) north on Division Street from Avenue G to project site.

Road Maintenance

1. Sheet 1, Plant Layout. As previously stated in our August 29, 2007, memorandum, Avenue F is maintained by Public Works and has a 100-foot dedicated full right of way. Please indicate road dimensions on Avenue F including the right of way.
2. Sheet 1, Plant Layout. Please label 5th Street East as a private street.
3. Sheet 2, Grading Plan. The plan and elevation views do not appear properly to be aligned. Please adjust if necessary.
4. Sheet 2, Grading Plan. Note four reads that, "dashed lines represent existing topography." The existing topography appears to be shown with solid contour lines on the overall plan view. There are no dashed lines on the elevation view. Please further clarify existing topography versus proposed finished grade.
5. Sheet 2, Grading Plan. Please further clarify/label any cut and fill work on the elevation view.
6. General comments:
 - A. If any roadway improvements are expected, please submit a road improvement plan depicting the improvements and how they work with existing roadway conditions within the County right of way.
 - B. Further clarify any changes in drainage at the project location.
 - C. Note any general remarks and comments as indicated on the plan.

Land Development

1. The project as currently designed does not accommodate local circulation that will be needed to provide access to parcels to the north that are currently landlocked. The project will need to revise its site plan to reserve private and future right of way 32 feet from centerline on 5th Street East. The project will also need to relocate its entrance driveway off 5th Street East further to the north to provide greater intersection separation from Avenue F. The project will be required to widen Avenue F along its frontage and may also be required to provide a left-turn lane on Avenue F into 5th Street East. The document must disclose the scope of offsite improvements and any related construction impacts.
2. The document must provide a discussion on any drainage and/or water quality issues due to this development, and measures to mitigate these impact(s).
3. In addition to adequately assess/address the drainage and water quality concerns, a Drainage Concept/Hydrology Report and a SUSMP should be submitted for review and approval by Public Works.
4. When approved, the results of the Drainage Concept/Hydrology Report and the SUSMP should be included in the Mitigated Negative Declaration. Additionally, the drainage concept should address the changes in drainage including but not limited to: increases in runoff, any change in drainage patterns, and the capacity of existing storm drain facilities.
5. There will be an increase in the flow and volume of runoff onsite due to the creation of impervious area. These increases are not allowed by the Acton/Antelope Valley Master Plan. Approval of mitigation measures for this policy is best obtained through a Drainage Concept/Hydrology Report.
6. A retention/detention basin is shown on the plans. The basin must meet all of the County's standards. This can best be done through a Drainage Concept/Hydrology Report.
7. Due to the nature of this project, contaminants could leach through the soil into ground water which will affect water quality. Mitigation measures must be provided for this case.

Mark Child
January 17, 2008
Page 6

8. The proposed project does not appear to be within the service area of a water utility. We recommend the applicant to provide a "Written Verification" from the water purveyor indicating that the entire project will be within the boundaries of its service area or a new mutual water company must be formed and registered to serve the proposed project to the satisfaction of Public Works.
9. There are no existing public sewer facilities in the area of the project. The applicant shall use private sewer systems.

If you have any questions, please contact Siya Araumi of this office at (626) 458-4991, Monday through Thursday, 7 a.m. to 5:30 p.m.

SA:kp

P:\sec\review of IS R2007-01829



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER
GOVERNOR

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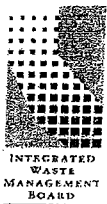
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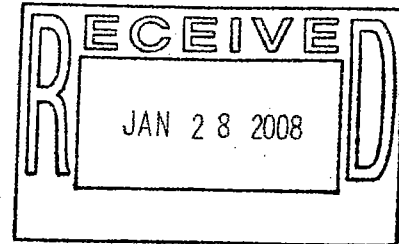
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REVISED
January 23, 2008

December 21, 2007

Mr. Adam Thurtell
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012



Subject: SCH No. Not Circulated – Notice of Early Consultation for a Negative Declaration for the construction and operation of a Bio-Refinery to produce ethanol from cellulosic material in Los Angeles County

Dear Mr. Thurtell:

Thank you for allowing the California Integrated Waste Management Board (CIWMB or Board) staff to provide comments for this proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

The proposed project as described in the Initial Study consists of the construction, operation and maintenance of a bio-refinery that will convert 170 tons per day of cellulosic material from a neighboring landfill to ethanol. The operation will produce gypsum and spent yeast as byproducts. The plant will operate 24 hours per day 330 days per year. The project will generate 15,548 yearly vehicle trips or approximately 47 vehicle trips per day transporting feedstock, ethanol, byproducts, chemicals and employees.

The gross size of the area is 10 acres with a two acre evaporation pond, a 1.6 acre biomass storage area, retention/detention basin, processing equipment, storage tanks, small buildings, a truck scale maintenance and laboratory buildings and a two-storey administration building.

December 21, 2007

cc: William Marciniak
Waste Compliance and Mitigation Program
Permitting and LEA Support Division
South Branch Permitting, Region 4
California Integrated Waste Management Board

Lillian Conroe, Supervisor
Waste Compliance and Mitigation Program
Permitting and LEA Support Division
South Branch Permitting, Region 4
California Integrated Waste Management Board

Iris Aguirre, Program Manager
County of Los Angeles
Department of Health Services
5050 Commerce Drive
Baldwin Park, CA 91706



COUNTY OF LOS ANGELES
Public Health

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Director and Health Officer

JONATHAN E. FREEDMAN
Acting Chief Deputy

Environmental Health
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Director of Environmental Health

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March 20, 2008

Mark Child, Supervising Regional Planner
Zoning Permits 1 Section
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles CA 90012

SUBJECT: Project: R2007-01829
Case: RCUP200700137
Address: 580 West Avenue F (assumed), Roosevelt

Dear Mr. Child,

Thank you for the opportunity to provide CEQA comments on the above referenced project.

General Concerns

1. Cellulosic Materials Sources

The initial study, and accompanying materials, very generally define the feedstock as "curbside green waste, clean green waste and wood", but also state that these materials could come from "other sources". We would like to have these "other sources" delineated. Are they considering, for example, collecting food wastes from markets and restaurants or food processing wastes from canneries and processors? The handling of the feedstock (and the needed storage facilities, odor

controls, turnover times, etc) would need to be addressed with full knowledge of all the types of cellulosic materials BlueFire expects as possible feedstock sources.

Blue Fire Comments

March 20, 2008

Page 2

2. Cellulosic Materials Preparation

The project description implies that Waste Management, at the Lancaster Landfill, will grind the greenwastes and wood wastes that they receive to 4" minus and transport this ground material to the proposed project site, where it will be placed in a 1.4 acre (or 1.6 acre depending on which document is accurate) "biomass storage" area. Experience at various landfills under our jurisdiction has shown that, even with conscientious screening, there can be a considerable amount of both metals and plastics that are also ground into this mix. There is a *de facto* acknowledgement of the metals contamination in the inclusion of a "tramp iron separator" in the feedstock flow diagrams included with the documents. Nothing in these documents addresses the plastics contamination. A description of the plastics removal system they will be using and blown plastic litter control program that will be implemented needs to be provided.

3. Up-Gradient Waste Management Unit

In the Phase I study, there is a Waste Management Unit (WMU) listed as being up-elevation from the proposed site that was not addressed in any way in any of the project documents. A discussion of this listing (in the appendices of the Phase I) should be included.

4. Units of Measure for Production

The documents state that approximately 170 tons per day of cellulosic materials will be converted to 2.5 – 3.1 million gallons of ethanol. This is clearly not a per-day to per-day equivalence. A clear idea of how much ethanol will be produced on a daily basis should be included.

5. Protection Against Landfill Gas Intrusion

Any buildings constructed within 1,000 feet of a landfill containing methane-producing materials must be protected against methane/landfill gas intrusion. Plans should be presented to address these concerns.

6. Biomass Storage Area Size

In different documents there are different acreages for the biomass storage area. A clear measurement should be provided. Is it 1.4 or 1.6 acres?

Areas of Concern

1. Litter

The plan as presented has a 1.4 – 1.6 acre biomass storage area directly south of the refinery plant. One map shows this large open area having windscreening on three sides; other maps show windscreening on only two sides. Windscreening on a perimeter fence around 1.4 – 1.6 acres of land is unlikely to stop more centrally-occurring wind eddies. This is a high wind area, especially since it has not been developed yet. It is anticipated that paper and plastics entrained

in the ground greenwaste will become an airborne litter problem. Other litter prevention methods besides the windscreening should be provided.

Blue Fire Comments

March 20, 2008

Page 3

2. Traffic

It is not apparent that the mitigation requiring daily removal of gypsum (as an odor mitigation) is included in the traffic and air quality analyses.

Are the truckloads of greenwaste not being counted in the traffic study? If the project needs 170 tons (dry) per day of cellulosic materials, and the ground material is 35-55% moist, then the landfill would need to deliver approximately 300-400 tons of material per day. The large transfer trailers carry about 22-25 tons of materials per load. This would require, even at the maximum 25 tons per truck and the minimum 300 tons per day, at least 12 truckloads of greenwaste materials going from the landfill to the biomass storage acreage.

In a third traffic document (November 15, 2007), it states that "up to 90 tons/day" will be brought in from Palmdale and Edwards AFB. This would still, conservatively, mean at least 8 truckloads from the landfill. Perhaps it's an oversight stemming from the initial assumptions, in the first two traffic documents, that the BlueFire project would be on the landfill footprint (both the September 20, 2007 letter and the October 17, 2007 letter from DKS include a sentence indicating that access to the project site would be via the existing access driveway for the landfill). All truck trips should be accounted for.

3. Air Quality

The project proposes to burn the lignin cake (the solid phase after acid hydrolysis has solubilized the sugars from the cellulosic materials) with entrained plastic shards from grinding. The air emissions from this burning of plastics does not seem to be addressed in the initial study.

4. Water Quality

The initial study states on page 10, under Resources – 1. Water Quality, that the proposed project will not be using a private sewage disposal system. On page 19, under Services – 2. Sewage Disposal, it states that the proposed project would use a private septic system. Which statement is correct?

5. Hazardous Wastes

If the plastic shreds are left entrained with the cellulosic materials, and the solid portion is then burned, would this result in the bottom ash containing any hazardous constituents that are not being accounted for in this initial study?

6. Solid Waste

The in-plant diagrams show a trommel screen being used to sort the ground/hammer-milled cellulosic materials before introducing them into the acid hydrolysis process. There are two drop-out chutes labeled "overs" in the accompanying diagrams. The disposal (or other fate) of these

wastes is not addressed in the initial study. The quantity of overs could require a daily or every-other-day extra trash truck hauling back to the landfill or somewhere else further away.

Blue Fire Comments

March 20, 2008

Page 4

7. Odor

The ground greenwaste feedstock will have enough moisture initially to begin composting (the estimate in the accompanying documents is a moisture level of 35-55%), even if this process had not begun before it was delivered to the landfill. During the rainy season, large amounts of rain can occur in the Antelope Valley. This would almost guarantee that the 1.4 -1.6 acres of greenwaste/woodwaste would become an actively productive compost site. Compost sites have odor problems. An odor mitigation plan is recommended.

8. Fire

Please see the discussion under 7. Odors. An actively composting pile can spontaneously combust. A temperature monitoring protocol and a storage pattern that would facilitate fire suppression should the pile(s) ignite are recommended.

Please feel free to contact me, or Chris Mastro of my staff, at (626) 430-5540 should you have any questions.

Sincerely,

Iris Aguirre, Chief
LEA/Solid Waste Management Program

IA/cu

March 25, 2008

RFS No. 08-0008281

Dean Edwards
Los Angeles County
Department of Regional Planning
Zoning Permits I Section
320 West Temple Street
Los Angeles, CA 90012

RE: Project No. R2007-01829/RCUP 200700137/RENV200700117
Location: 580 West Avenue F, Roosevelt, CA

A request for comments was received by the Los Angeles County Department of Public Health concerning a Conditional Use Permit for the above proposed project. The Department cannot issue an approval for the project for the following reasons:

1. The preliminary feasibility report tends to support that an Onsite Wastewater Treatment System may be utilized on this property. However, the submitted report states that the presoak for the four test pits occurred on October 8, 2007. The percolation test occurred on October 10, 2007. Program protocol requires the presoak 24 hours before testing not 48 hours.
2. The Initial Study indicates that potable water will be supplied from a private water well. **Prior to approval for the project**, provide a Water Supply Approval letter from this Department for the potable water source. The potable water shall be from an approved source in compliance with the California Safe Drinking Water Act and the Los Angeles County Code, Title 11, chapter 11:38.

If you have any questions, please contact me at (626) 430-5380

Respectfully;

Becky Valenti, E.H.S. IV
Land Use Program

Fax copy: Shannon Berkowitz - Land Tech Engineering



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DEAN D. EFSTATIOU, Acting Director

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **EP-2**

March 27, 2008

TO: Mark Child
Department of Regional Planning

Attention Adam Thurtell

FROM: Paul Alva ^A
Environmental Programs Division

**REVIEW OF INITIAL STUDY REVISIONS
BLUEFIRE ETHANOL BIOREFINERY PLANT
PROJECT ID R2007-01829**

We reviewed the above-mentioned Initial Study Revisions which includes applicant responses to our previous comment letter for this project dated January 17, 2008 (copy enclosed). The project proposes to accept up to 170 tons per day of cellulosic material, mainly green waste and wood waste and convert it into ethanol. The project is located on the south side of East Avenue F between Division Street and Challenger Way, across the street from Lancaster Landfill in the County unincorporated areas. We offer the following comments:

Environmental Programs Division

1. As previously stated in our January 17, 2008 letter, the document should state clearly how many gallons of ethanol will be generated from 170 tons of feedstock on a daily basis.
2. The document indicates that the incoming feedstock will be temporarily stored outdoors. Due to high wind conditions in this area, the document should provide a detailed discussion, on litter prevention measures, **in addition to the installation of the 10 foot fence**, to protect the surrounding neighborhood and roadways.
3. The Los Angeles County Building Code, Section 110.3, requires that a building or structure located on or within 1,000 feet (304.8 m) of a landfill containing

March 27, 2008

Page 2

decomposable material must be protected against landfill gas intrusion. The document states (page 28, Environmental Safety, No. 7) "Membranes under the pads of enclosed buildings shall be installed to block gas migration from the adjacent landfill." Before installation of any system, Public Works' Environmental Programs Division must be contacted and appropriate landfill gas protection system plans must be submitted for review and approval for issuance of necessary permits.

4. As previously stated in our letter of January 17, 2008, the document indicates that ash will be disposed in the adjacent landfill (i.e., Lancaster Landfill). The document should include a discussion on whether the adjacent landfill can accept the ash and, if so, under what conditions. If the landfill cannot accept the ash, the document should include a discussion on alternative means of properly disposing of this material. The discussion provided on page 20, SERVICES – 5: Utilities/Other services does not adequately address this issue.
5. As previously stated in our letter of January 17, 2008 letter, in developing the draft Conditional Use Permit conditions for the proposed project, we respectfully request Regional Planning consult with Public Works, specifically, Environmental Programs Division, to ensure consistency with the countywide solid waste management system.
6. As previously stated in our letter of January 17, 2008 letter, to aid the general public and regulatory agencies in understanding the operational characteristics of such a biorefinery facility, the document should include a discussion on any reference facilities operating elsewhere.

Road Maintenance Division

1. The document must include roadway improvement plans. These plans must depict the road improvements and how they join with the existing roadway conditions within the County road right of way.
2. The document must include a Drainage Concept/Hydrology report, which show how drainage will be handled within the development and any water that will be conveyed onto the road right of way.

March 27, 2008

Page 3

Watershed Management Division

1. The Antelope Valley Comprehensive Plan (Plan) of Flood Control and Water Conservation, 1987, has identified several potential flood control and water conservation facilities and their locations throughout the Antelope Valley. The proposed project will need to avoid altering, impeding, or impacting the Plan's facilities. A copy of the Plan can be found at http://dpw.lacounty.gov/wmd/watershed/av/av_comprehensive_final.pdf, and a map is attached for consideration. The document must provide a discussion on whether or not the proposed project has any impact on this Plan.

Land Development Division

1. When approved, the results of the Drainage Concept/Hydrology Report and the SUSMP should be included in the Mitigated Negative Declaration. Additionally, the drainage concept should address the changes in drainage including but not limited to: increases in runoff, any change in drainage patterns, and the capacity of existing storm drain facilities.

If you have any questions, please contact Siya Araumi of this office at (626) 458-4991.

P:\Sec\Initial Study Revisions response __pa (3-27-08).doc

Attach.



GOVERNOR ARNOLD SCHWARZENEGGER

May 10, 2008

The Honorable Michael D. Antonovich
Los Angeles County Supervisor
500 West Temple Street
Los Angeles, California 90012

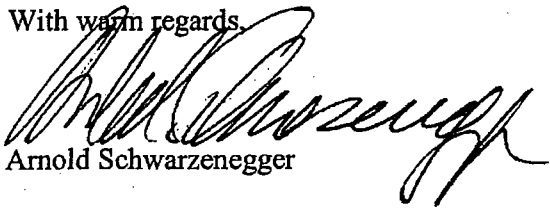
Dear Mike,

As you know, California is a leader in alternative fuel research and development. I have recently become aware of a pending cellulosic ethanol plant in your district that, if built, will help pave the way for continued innovation in California's alternative energy sector.

BlueFire Ethanol has proposed building the state's first cellulosic ethanol biorefinery production plant in Lancaster, California. Under the proposal, the plant will produce ethanol from recycled green waste, wood waste and other cellulosic materials. If projections hold true, this plant will both reduce the demand on local landfills and help reduce greenhouse gas emissions.

The BlueFire Ethanol plant would be an example of an innovative way to recycle waste, turn it into fuel and combat global climate change, and the project deserves serious consideration.

With warm regards,


Arnold Schwarzenegger

/la





**STATEMENT OF LINDA K. JONES
36th ASSEMBLY DISTRICT CANDIDATE
PROPOSED BLUE FIRE ETHANOL REFINERY IN LANCASTER
COUNTY REGIONAL PLANNING COMMISSION
PUBLIC HEARING ~ JULY 23, 2008
PROJECT # R200701829-5**

Thank you for the opportunity to submit this statement concerning the proposed ethanol refinery in Lancaster, CA. A key element of my platform is to continue to encourage businesses to look to California in general and the High Desert region in particular, to grow the jobs of the future in climate control, biotech, alternative energy, healthcare, aviation and national security. I support the economic development of the high desert region. At the same time, I believe that economic growth must occur in a climate of open government and informed decision-making. In this regard, I recommend that:

- Citizens of Lancaster and surrounding regions should be provided with the Regional Planning Commission's initial study released in late June of this year and be further informed regarding the details of the proposed project, specific County requirements for the refinery and the County's decision making process. This outreach should go beyond local government entities to citizens and organizations in the area surrounding the refinery.
- Before approval is given for the project, a public hearing should be held in the Lancaster area at a time when its citizens are able to attend.
- The County needs to inform us what benefits the community will realize from this project including the quality of jobs for residents and specific improvements identified during the permitting process.

A June 27, 2008 article in *The Antelope Valley Press* reported that Arnold Klamm, CEO of Blue Fire Ethanol chose Lancaster because the approval and permitting process would be easier in the Antelope Valley than in the Los Angeles basin. "We were looking for an area that would have the least barriers from a permitting standpoint", he said. The citizens of Lancaster and surrounding areas deserve an explanation from the County as to whether this statement is true and why.

By assuring open government and informed decision making, we can be confident of sustainable growth and quality of life for the citizens of the high desert region.

Sincerely,

Linda K. Jones

Contact Information:

Linda K. Jones for Assembly
520 East Palmdale Boulevard, Ste. C
Palmdale, CA 93550-4603
877-266-7502
lindak4assembly@sbcglobal.net



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: May 21, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2007-01829

LOCATION: Bluefire Ethanol Biorefinery / 580 East Avenue F, Lancaster

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is 2500 gallons per minute for 3 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Verify 1 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ **Comments:** THIS PROJECT IS CLEARED FOR PUBLIC HEARING BY THE FIRE DEPARTMENT SUBJECT TO THE CONDITIONS BELOW.
- ☒ **Location:** Verify nearest existing public fire hydrant fronting the property on East Avenue F.
- ☒ **Access:**
1. Provide a minimum width of 28 feet paved all-weather access clear to sky. The areas where product transfer piping crosses overhead of the drive aisles, an exception shall be permitted by the Fire Department to provide a minimum clear vertical height of 13 feet 6 inches.
 2. Provide a minimum of 32 ft. centerline turning radius on all turns throughout project. Indicate compliance on site plan prior to building permit/ Petroleum Chemical Unit clearance.
 3. All gates shall comply with Los Angeles County Fire Department Regulation 5.
 4. Provide a second means of vehicular access from East Avenue F along the westerly property line. This access driveway shall connect to the proposed on-site drive aisle and be a minimum width of 20 feet paved all weather clear to sky.
 5. Per the request of the Operations Bureau, provide a perimeter access road around the Biomass Storage Area. Said access shall provide a minimum paved width of 20 feet clear to sky.
- ☒ **Special Requirements:**
1. Fire protection for the site will be served by a private on-site fire protection system.
 2. The on-site water supply system may utilize disinfected tertiary treated reclaimed water supplied by the County Sanitation District's Water Reclamation Plant provided that the County of Los Angeles Health Department makes a finding that the use of reclaimed water by responding firefighters will not present a health hazard.
 3. The required fire flow shall be 2500 gpm at 20 psi residual pressure for a duration of 3 hours.
 4. The on-site water tank for private fire protection shall be designed and installed per NFPA 22 and Los Angeles County Fire Department Regulation 7.
 5. The underground fire water mains shall be designed and installed per NFPA 24 and Los Angeles County Fire Department Regulation 8.
 6. The private water supply system shall provide the required volume at the required residual pressure by a fire pump designed and installed per NFPA 20.
 7. The number and location of on-site fire hydrants shall be provided per Regulation 8 to the satisfaction of the Fire Department.

8. All buildings shall be fire sprinklered per NFPA 13 and Los Angeles County Fire Department Regulation 7 and shall be supplied from an independent potable water supply.
9. The Biomass Storage Area and Fuel Storage Areas shall be protected by fixed monitors located to the satisfaction of the Fire Department.
10. The Fuel Loading/Unloading area shall be provided with a fixed foam fire protection system.
11. The storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with Chapter 34 of the Los Angeles County Fire Code.
12. There are (12) fire hydrants and (15) 500 gpm monitors proposed by the applicant. The proposed locations may be reviewed and changed in the future by the Fire Prevention Engineering Division.
13. The approval of this CUP does not include the "Future Feedstock" area listed on the Site Plan. This are will require a separate review.
14. Additional improvements will require future Fire Department review.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: **SCOTT JAECCI**

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783

County CUP 01/08



COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: June 3, 2008

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2007-01829

LOCATION: Bluefire Ethanol Biorefinery / 580 East Avenue F, Lancaster

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☒ The required fire flow for this development is 2500 gallons per minute for 3 hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☒ Verify 1 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
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10. The Fuel Loading/Unloading area shall be provided with a fixed foam fire protection system.
11. The storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with Chapter 34 of the Los Angeles County Fire Code.
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Inspector: **SCOTT JAECCI** 

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net

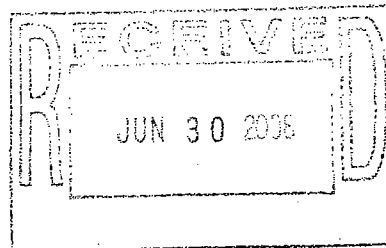


June 24, 2008

Mr. Dean Edwards, Project Planner

LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

320 West Temple Street
 Los Angeles, CA 90012



Re: SCH#2008061026: CEQA Notice of Completion; proposed Mitigated Negative Declaration for the R2007-01829 (Bio-Refinery) Project, located in the Roosevelt Community, Department of Regional Planning, Los Angeles County, California

Dear Mr. Edwards:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) / <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section:
 - The NAHC advises the use of Native American Monitors, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.

LAW OFFICES OF
PRESLEIGH & AREL

1290 West Street
P. O. Box 992376
Redding, CA 96099-2376
Telephone (530) 243-5600
Fax (530) 243-8135
justinarel@sbcglobal.net

Justin G. Arel
A Professional Corporation

Randall J. Presleigh (1922-1985)
Patricia A. Lamons, Legal Assistant

June 25, 2008

Regional Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Re: Project No. R2007-01829-(5)
Conditional Use Permit No. 200700137

Gentlemen:

Our office represents Mrs. Theresa A. Bannister, the current owner of that certain real property designated in Los Angeles County as Assessor's Parcel Number 3145-13-32. My client is in receipt of your Notice of Public Hearing and Intent to Adopt a Mitigated Negative Declaration.

My elderly client resides here in the Redding area and will be unable to attend the public hearing set for July 23, 2008. Therefore, please accept this letter as written comments on behalf of my client. In that regard, my client is unequivocally opposed to the construction, operation, and maintenance of the proposed bio-refinery. It is to be hoped you will take my client's comments into consideration and it is her wish that you deny the proposed Conditional Use Permit in this matter.

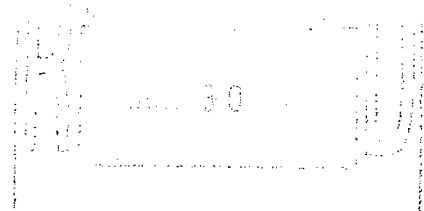
I thank you in advance for taking my client's comments into consideration.

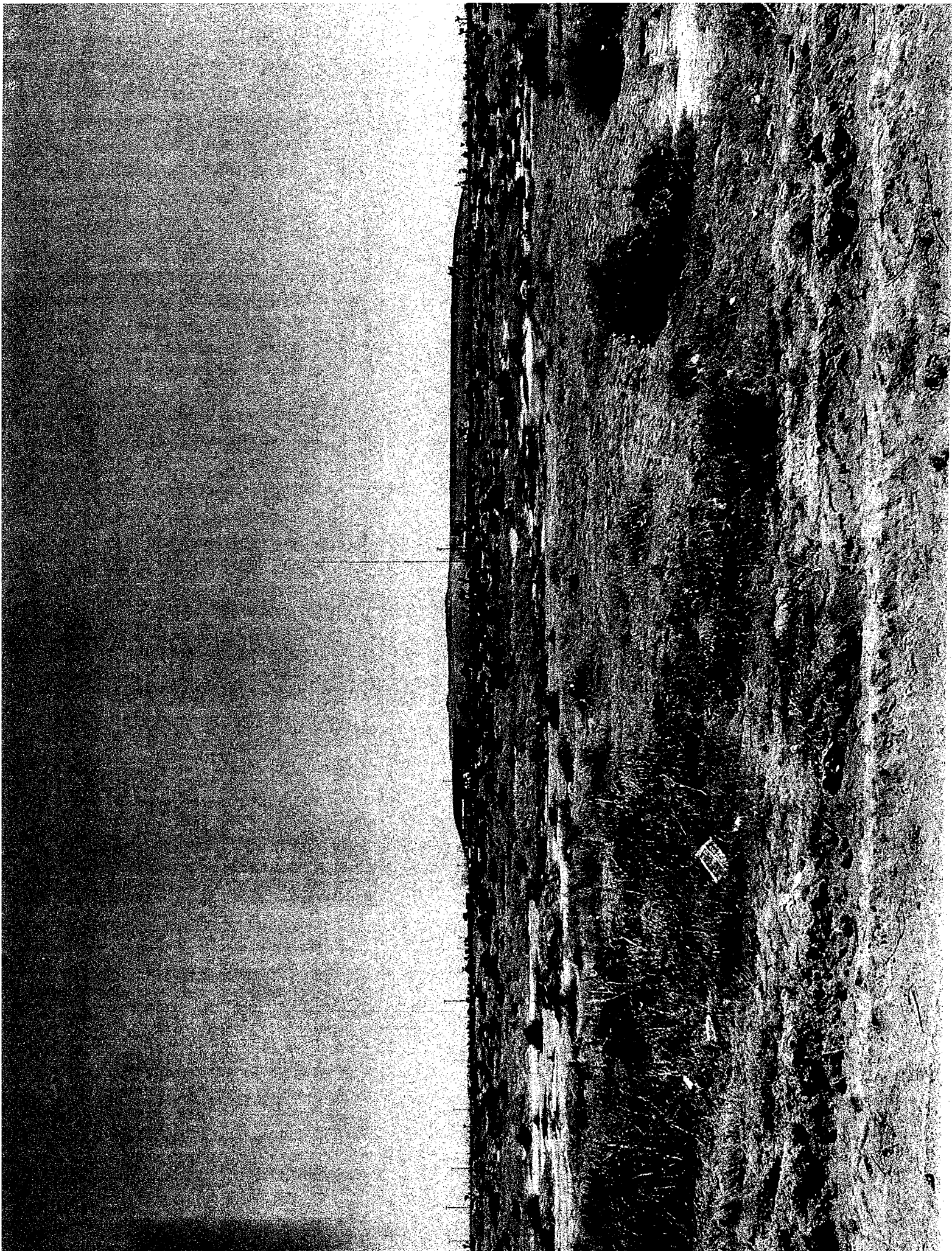
Very truly yours,
PRESLEIGH & AREL

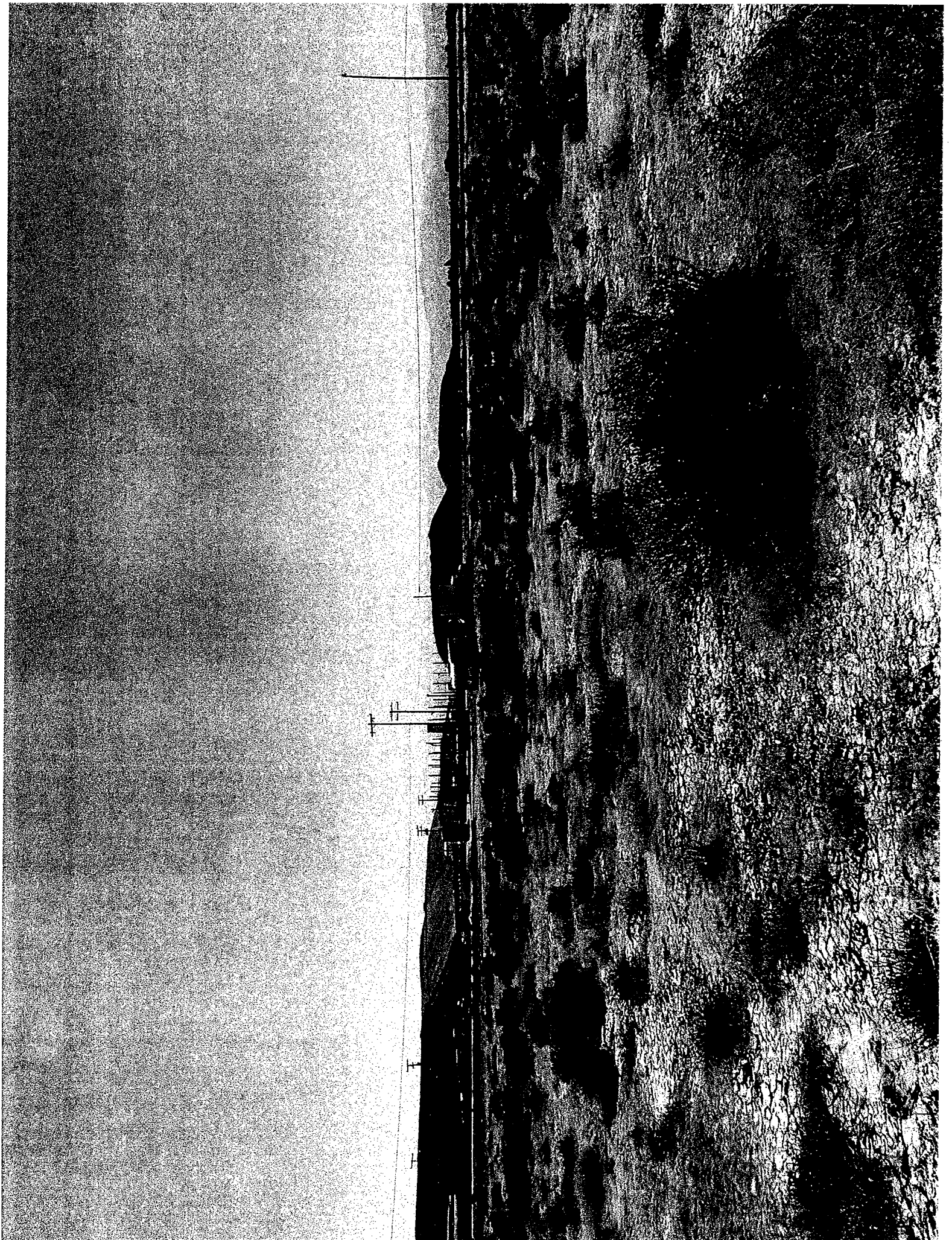
JUSTIN G. AREL, ESQ.
J. D., L. L. M. (TAX)

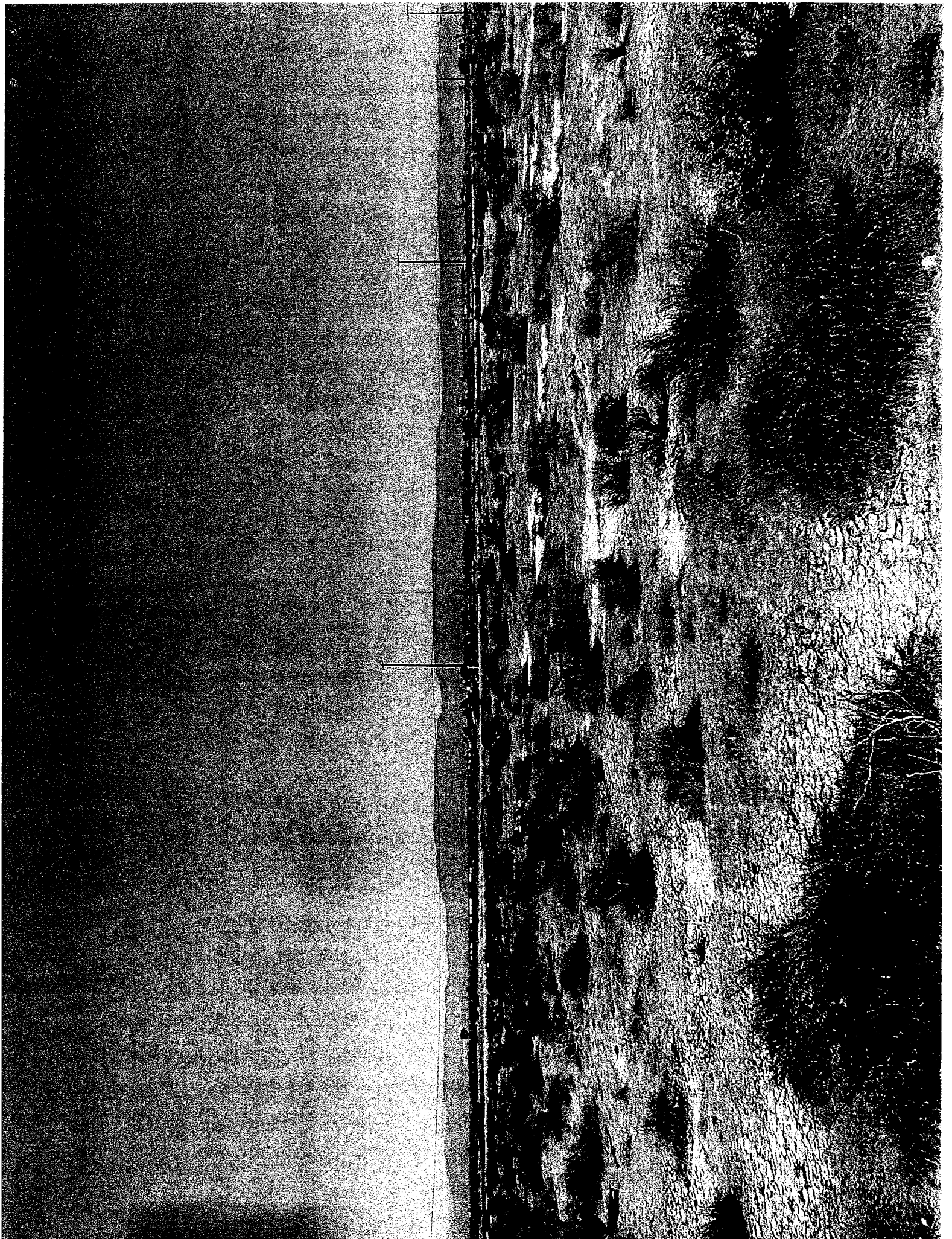
JGA:jm

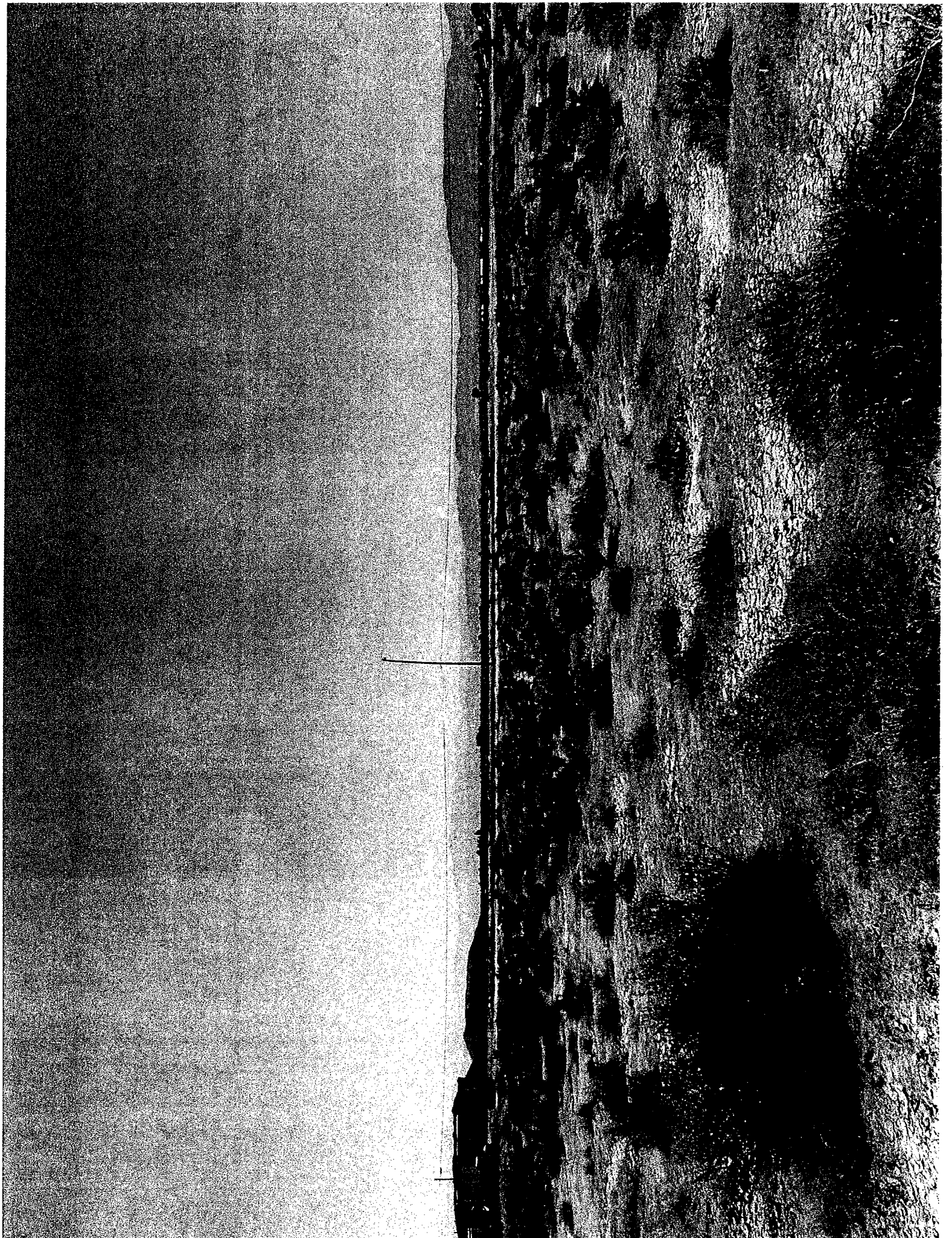
cc: Mrs. Teresa A. Bannister

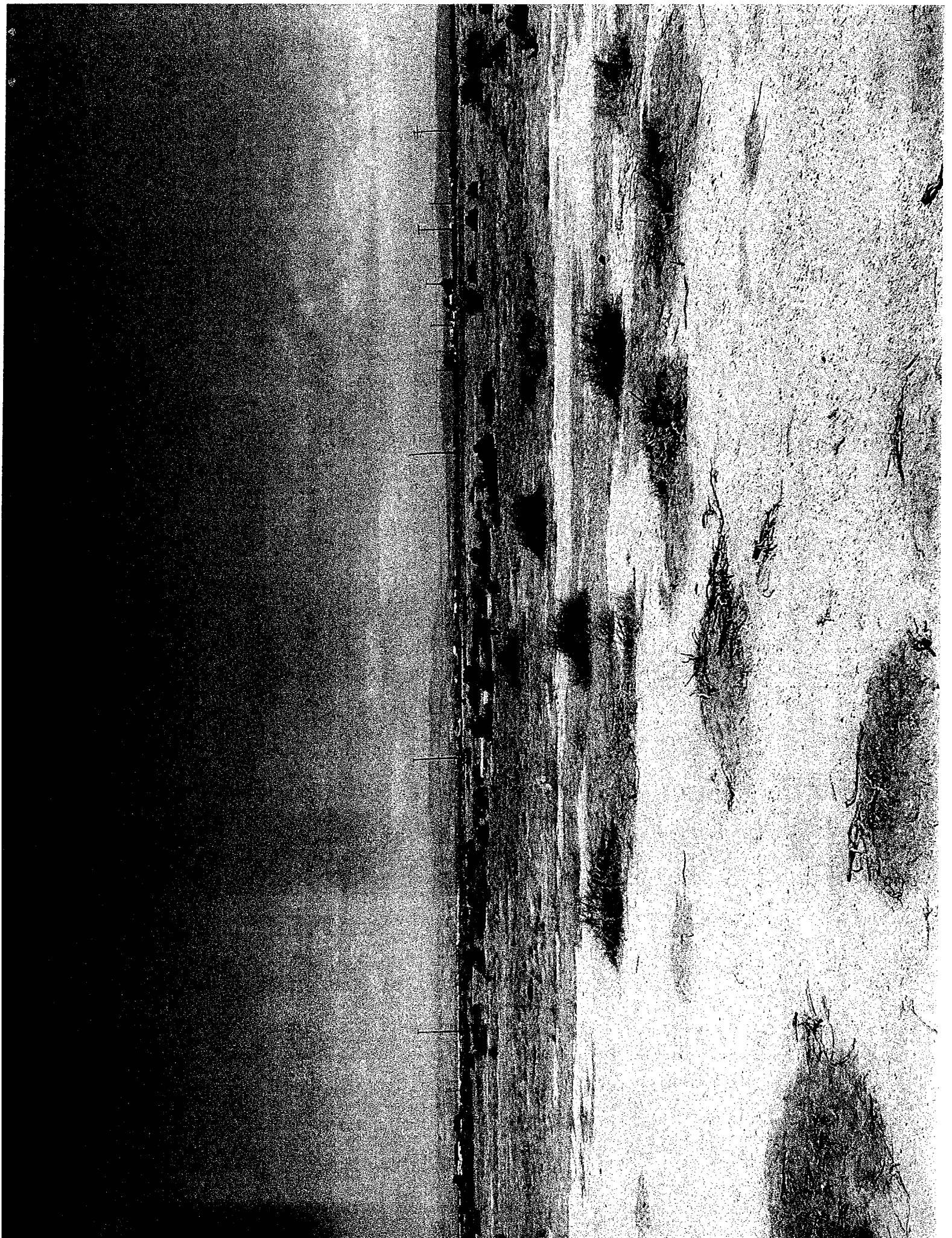


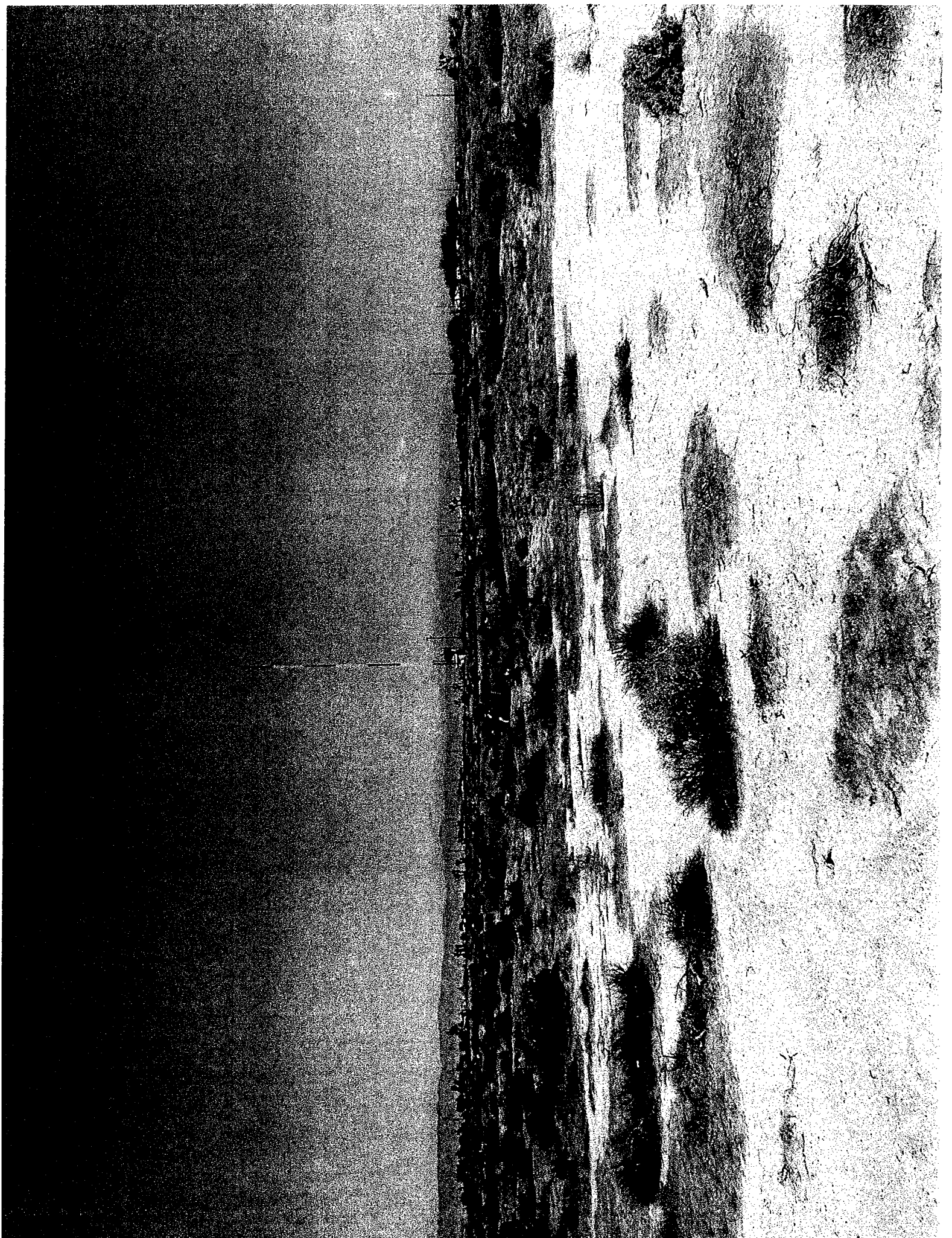








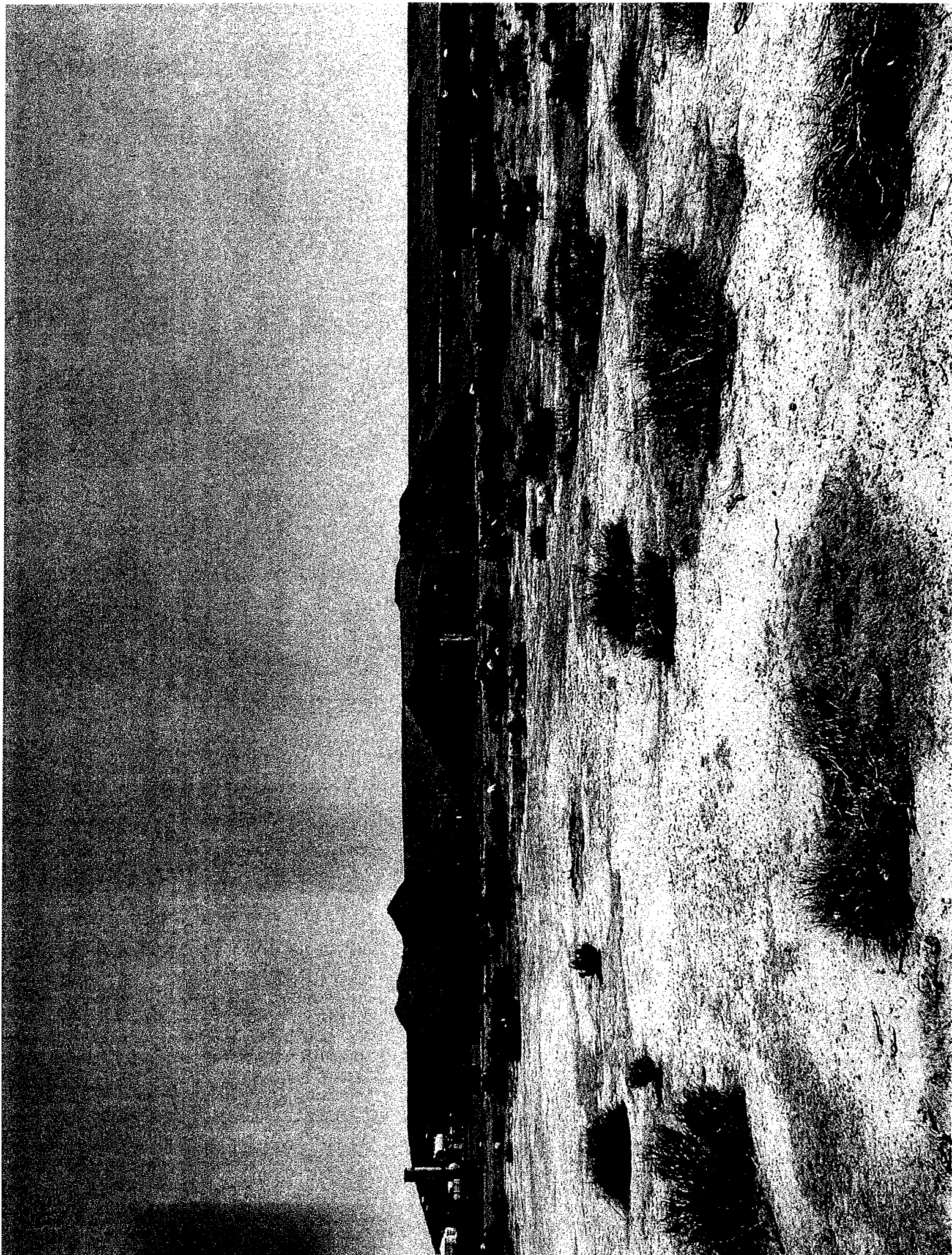


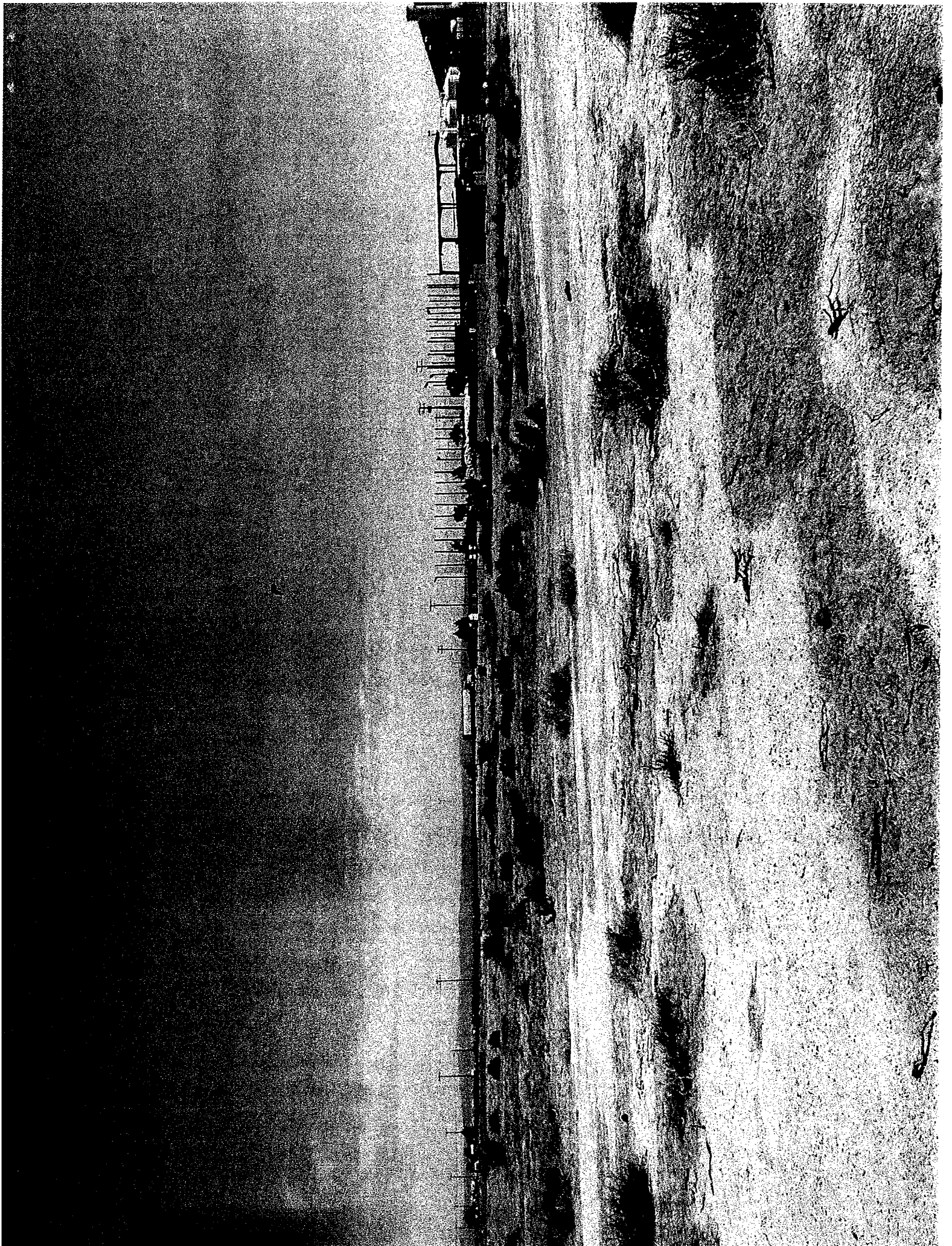


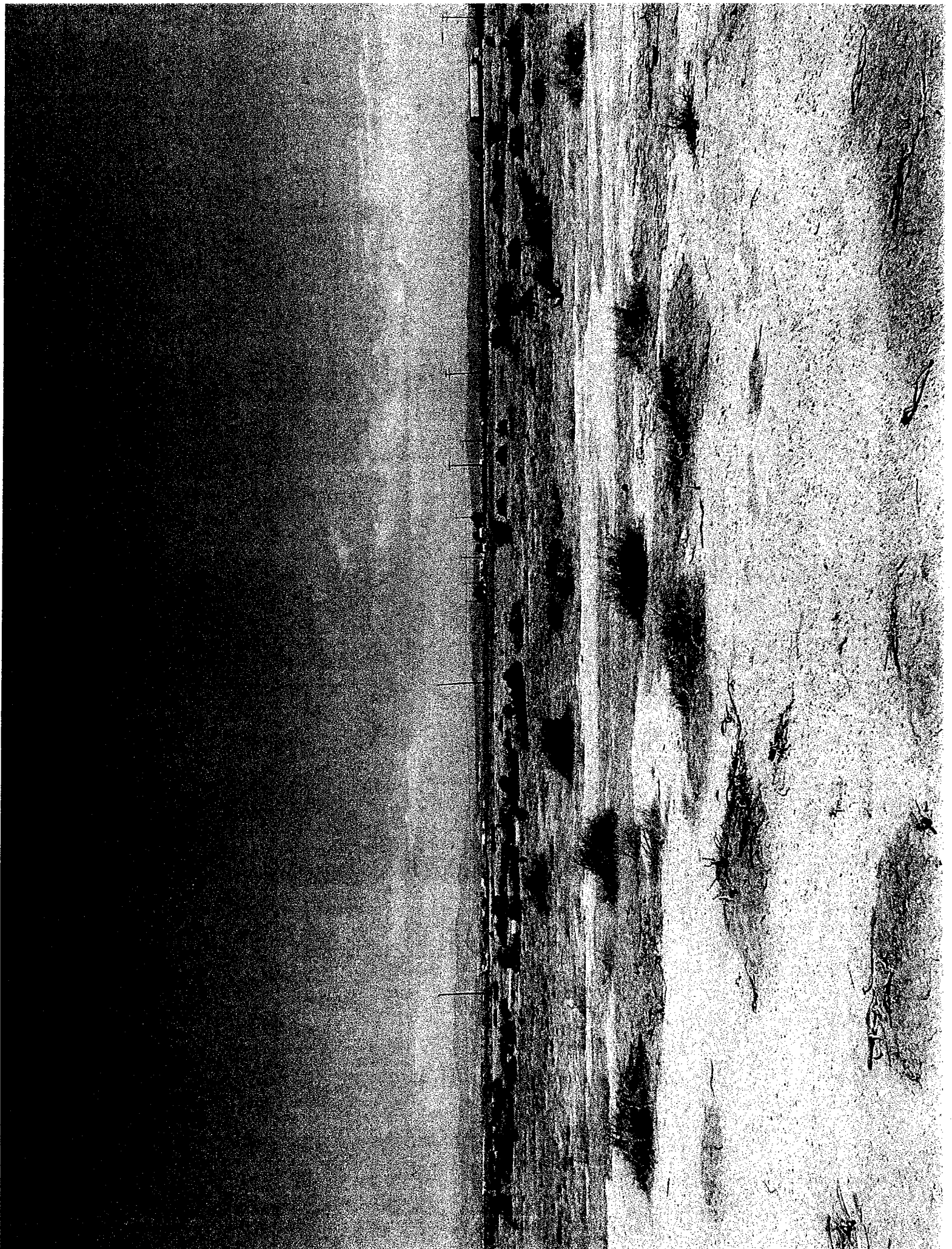


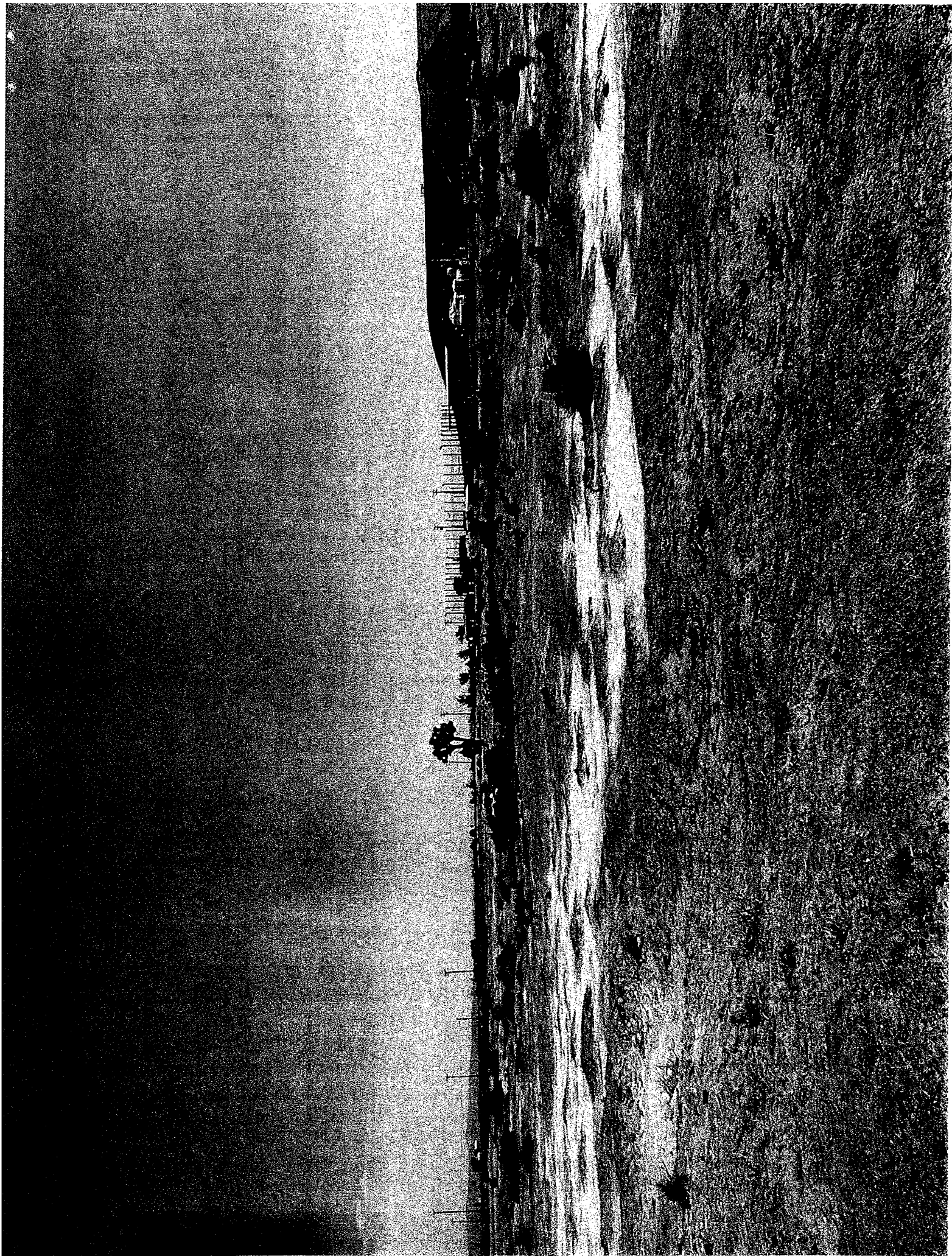


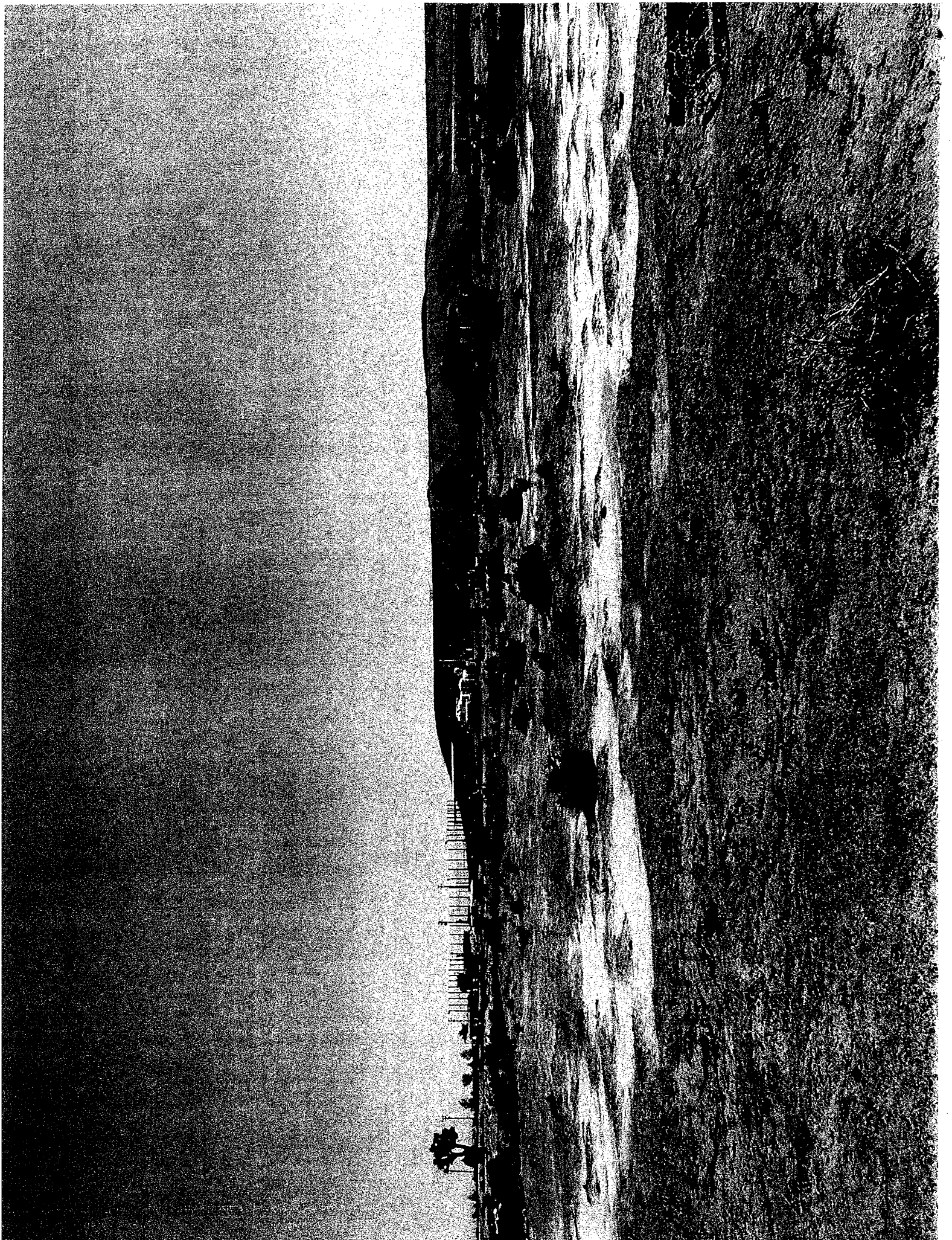


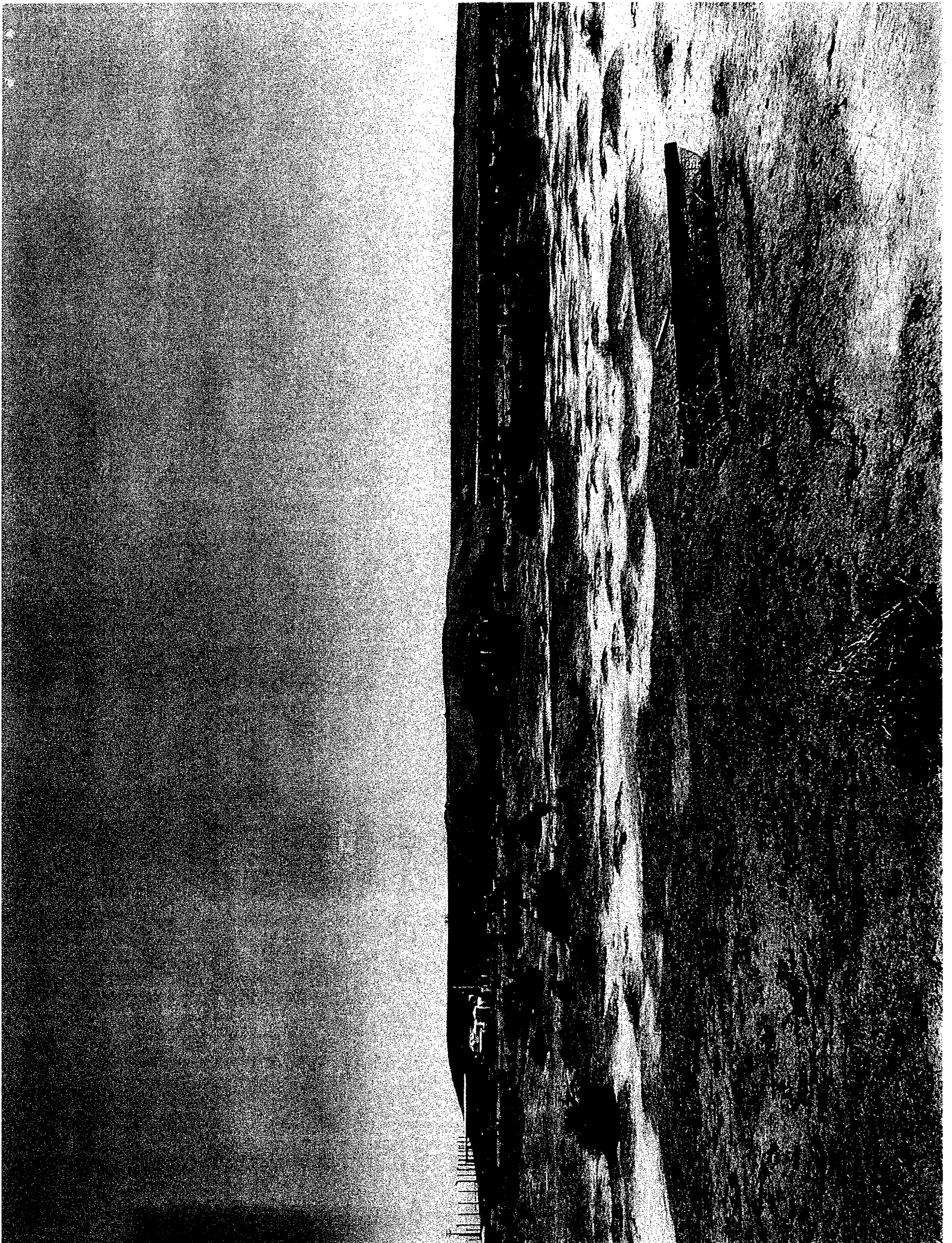


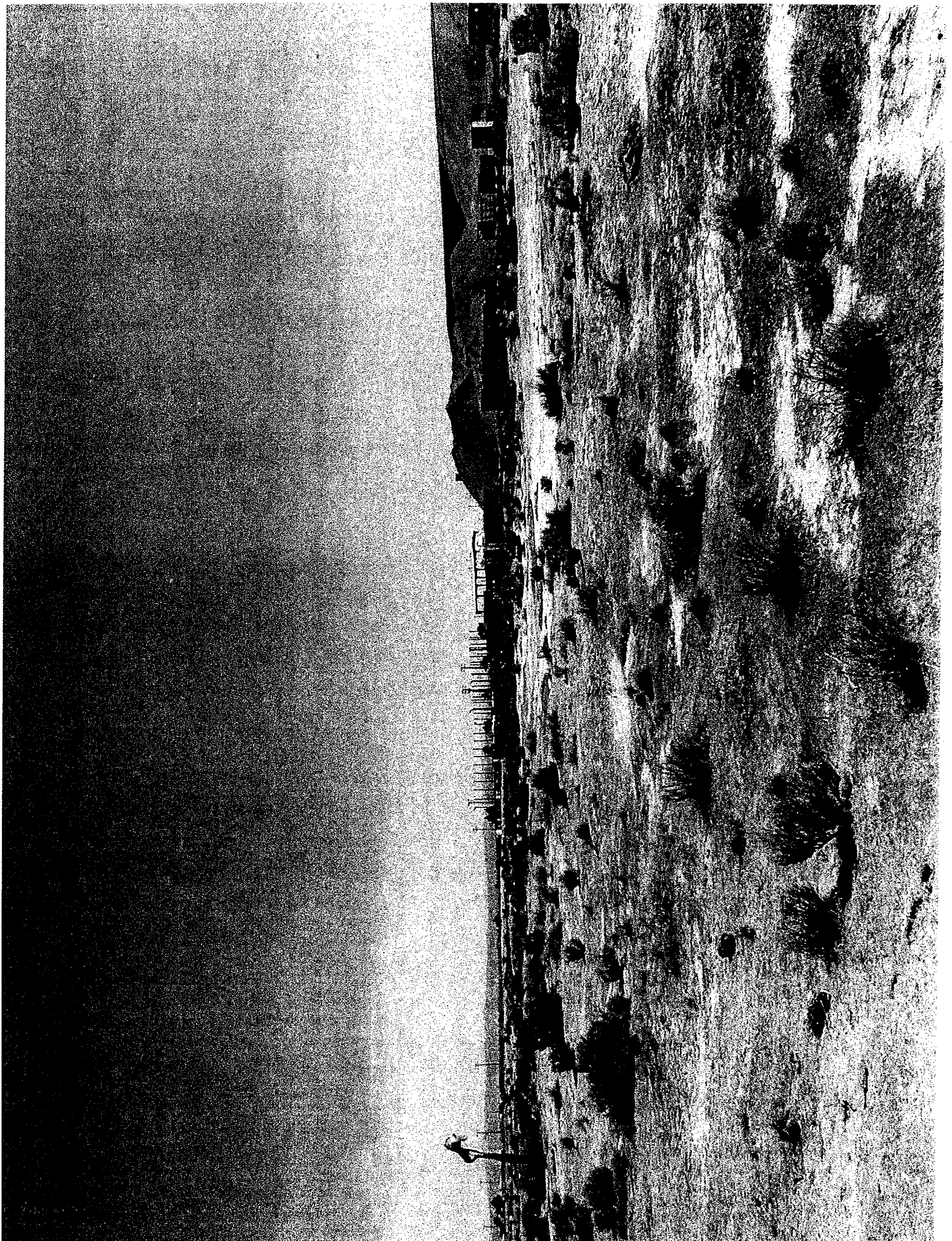














Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012
Telephone (213) 974-6443
PROJECT NUMBER R2007-01829-(5)
CONDITIONAL USE PERMIT 200700137

PUBLIC HEARING DATE
July 23, 2008

AGENDA ITEM
6

RPC CONSENT DATE
July 23, 2008

CONTINUE TO

APPLICANT

Bluefire Ethanol

OWNER

Linda S. Ruiz

REPRESENTATIVE

William Davis

ENTITLEMENT REQUEST

Construction, operation and maintenance of a bio-refinery that will convert 170 tons per day of cellulosic material from the neighboring landfill and other local sources to ethanol.

PROJECT DESCRIPTION

Ethanol will be produced via fermentation from a patented process. The raw material will be cellulose, which is to come from the Lancaster Landfill. The landfill will be powered in part by methane gas produced by the landfill.

LOCATION/ADDRESS

580 East Avenue F (assumed, currently vacant)

SITE DESCRIPTION

Flat, vacant land adjacent to Lancaster Landfill

ACCESS

East Avenue F and Fifth Street

ZONED DISTRICT

Lancaster

ASSESSORS PARCEL NUMBER

3175001016

COMMUNITY

Roosevelt

SIZE

10 Acres

COMMUNITY STANDARDS DISTRICT

N/A

EXISTING LAND USE

EXISTING ZONING

Project Site

Vacant

D-2-1

North

Vacant

D-2-1

East

Lancaster Landfill

D-2-1

South

Vacant

D-2-1

West

Vacant

D-2-1

GENERAL PLAN

R

DESIGNATION

Non-Urban

MAXIMUM DENSITY

N/A

ENVIRONMENTAL DETERMINATION

Mitigated Negative Declaration

RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE

July 23, 2008

RPC ACTION

Approval

NEEDED FOR NEXT MEETING

MEMBERS VOTING AYE

3

MEMBERS VOTING NO

0

MEMBERS ABSTAINING/ABSENT

2

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Adam Thurtell

RPC HEARING DATE(S)

July 23, 2008

RPC ACTION DATE

July 23, 2008

RPC RECOMMENDATION

Approval

MEMBERS VOTING AYE

Bellamy, Valadez, Rew

MEMBERS VOTING NO

0

MEMBERS ABSTAINING

0

STAFF RECOMMENDATION (PRIOR TO HEARING): Approval

SPEAKERS*

(O) 2

(F) 2

PETITIONS

(O) 0

(F) 0

LETTERS

(O) 1

(F) 1

*(O) = Opponents (F) = In Favor